



## **Economic and Social Council**

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### **Committee on Economic, Social and Cultural Rights**

## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

**Combined third to fifth periodic reports submitted by States  
parties under articles 16 and 17 of the Covenant**

**El Salvador\***

[5 January 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

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## Abbreviations

AECID	Spanish Agency for International Development Cooperation
AIDS	Acquired immunodeficiency syndrome
ANDA	National Aqueducts and Quarries Administration
CAFTA	Central America Free Trade Agreement
CARECEN	Central American Resource Centre
CISNA	Integrated Services Centre for Children and Adolescents
CONAMYPE	National Commission for Microenterprises and Small Businesses
DIGESTYC	Directorate-General for Statistics and Censuses
FISDL	Social Investment Fund for Local Development
HABIL	Work Preparation Programme
HIV	human immunodeficiency virus
IAEA	International Atomic Energy Agency
IDB	Inter-American Development Bank
ILO	International Labour Organization
INPEP	National Civil Service Pensions Institute
INSAFORP	Salvadoran Vocational Training Institute
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour
IPSFA	Armed Forces Social Security Institute
ISDEMU	Salvadoran Institute for the Advancement of Women
ISNA	Institute for Child and Adolescent Development
ISSA	International Social Security Association
ISSS	Salvadoran Social Security Institute
OAS	Organization of American States
PAHO	Pan American Health Organization
SAP	Pension Savings Scheme
SIS	Secretariat for Social Integration
STI	sexually transmitted infection
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
WHO	World Health Organization



## I. Introduction

1. Pursuant to the provisions of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the Government of El Salvador herewith submits to the Committee on Economic, Social and Cultural Rights its combined third, fourth and fifth periodic reports, containing data on the measures taken and the progress made to secure respect for the rights enshrined in the Covenant.

2. This report has been prepared on the basis of the Committee's concluding observations on the second periodic report of El Salvador (E/C.12/SLV/CO/2), the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.6) and the Committee's general recommendations contained in the compilation of general comments and general recommendations adopted by the human rights treaty bodies (HRI/GEN/1/Rev.7).

3. The information contained herein is the outcome of the coordinated labours of an inter-institutional team under the leadership of the Ministry of Foreign Affairs, including a series of meetings and direct consultations with over 30 State institutions.<sup>1</sup>

4. The report covers the period from 2005 to June 2010. For El Salvador this was a period of radical change and considerable efforts to consolidate economic, social and cultural rights involving experimentation with institutional changes to match the country's requirements and the promotion of mechanisms to meet the needs of the population.

5. The change of Government in 2009 gave rise to substantial changes in domestic and international policies. This report covers information from both the previous and the present Government, each of which has its own specific political and ideological profile, so that it aims as far as possible to present a consolidated picture covering both periods of government.

6. One of the fundamental documents produced by the new Government is its Five Year Plan 2010–2014, which sets out in detail the policies, programmes and measures proposed for the Government's term of office. Before launching this plan, the Government had drawn up an "anti-crisis plan" for its first 18 months in office, proposing a number of short-term measures designed to improve the condition of the country's families. The Five Year Plan is based on an analysis of macroeconomic variables and adopts a long-term perspective. It starts from the principle that "progress towards a prosperous, free, peaceful

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<sup>1</sup> The Supreme Court of Justice; the Office of the Attorney-General of the Republic; the Technical Secretariat of the Office of the President; the Ministry of Labour and Social Security; the Ministry of Health and Social Welfare; the Ministry of Education; the Ministry of the Environment and Natural Resources; the Ministry of Agriculture and Livestock; the Ministry of Public Works; the Ministry of Economic Affairs; the Secretariat for Social Integration; the National Secretariat for Culture; the Pensions Supervisory Authority; the Supreme Electoral Court; the National Registry; the National Civil Police; the Salvadoran Institute of Agrarian Reform; the Salvadoran Institute for the Advancement of Women; the National Civil Service Pensions Institute; the Salvadoran Social Security Institute; the Armed Forces Social Security Institute; the Vice-Ministry for Housing and Urban Development; the Social Fund for Housing; the National Public Housing Fund; the Social Investment for Local Development Fund; the Liberty and Progress Institute; the Directorate-General for Statistics and Censuses; the Directorate-General for Migration; the National Water Supply and Sewerage Administration; the National Science and Technology Council; and the Salvadoran Vocational Training Institute. The Office of the Human Rights Advocate was invited to participate in the process but declined owing to the terms of its mandate.



and just society based on solidarity is impossible without the construction of a new economic and social model and the full implementation of democracy.<sup>2</sup>

7. This approach has laid the basis for a "Universal Social Protection System" (see annex II), which seeks to ensure steady and uninterrupted progress, for the medium and long term, towards the attainment of solutions to the main social problems facing the country, especially poverty, gender inequality and social exclusion.

8. The Universal Social Protection System is designed as a social policy strategy, anchored in a framework of rights, aimed at promoting human development and regional management and facilitating active participation by municipal governments and the community. It marks a change in the orientation of social policy insofar as it takes a holistic approach in order to secure the social welfare of every inhabitant, particularly the impoverished and the excluded, through the introduction of specific policies and programmes.

9. In recent years a number of government agencies have been established to work on specific aspects of economic, social and cultural development (such as the Secretariat for Social Integration and the Secretariat for Culture). As described in the report, these bodies each implement programmes, policies, plans and projects within their respective spheres of competence. In the educational sphere coverage has been extended in both quantitative and qualitative terms and provision has been made for school kits and school meals to be distributed in public educational establishments. In the public health sphere, work has begun on a comprehensive reform of the health system designed to bring health services closer to those most in need of them throughout the country. In the cultural sphere, a series of plans and projects designed to improve the arts and culture in their various manifestations has been launched and efforts are being made to preserve and restore the nation's cultural heritage.

10. The difficulties the country experienced during the years covered by the report must also be borne in mind. These include not only natural disasters such as Hurricane Stan, the eruption of the Ilamatepec volcano in Santa Ana (2005) and the Ida tropical storm in 2009, but also the international environment of economic crisis, influenza and dengue fever epidemics and other problems. These adversities notwithstanding, the Government reaffirms its commitment to promoting human development, supported by the adoption of short-, medium- and long-term measures to meet the population's needs.

11. Information on the situation in El Salvador with respect to implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights is supplied below.

## **II. Implementation of the Covenant**

### **Article 1**

#### **Article 1, paragraph 1**

12. El Salvador recognizes that a number of different cultures, such as the Lenca, Cacaopera and Nahua Pipil indigenous peoples, exist side by side in the country. The study

<sup>2</sup> Five-Year Development Plan 2010–2014, Government of El Salvador, p. 45.



entitled *El Perfil de los Pueblos Indígenas de El Salvador*<sup>3</sup> (Profile of the Indigenous Peoples of El Salvador) records 64 with a substantial indigenous presence, in addition to 53 *cofradías*, *mayordomías* and *hermandades*<sup>4</sup> at national level and 19 organizations, some of them with legal personality. It must be remembered that the communities themselves are responsible for declaring their indigenous identity and on that basis they incorporate their particular cultural features in their social, economic, political and cultural systems.

13. Regarding the Committee's recommendation that El Salvador "conduct a census of the indigenous population, which will make it possible to ascertain the current situation with regard to the effective exercise of economic, social and cultural rights by indigenous peoples" (E/C.12/SLV/CO/2, para. 37), the estimates of the indigenous population in the country are admittedly imprecise. The above-mentioned Profile estimated that the proportion of indigenous peoples in the total population lay somewhere between 10 and 12 per cent, whereas the sixth national population census and the fifth housing census, carried out in 2007 by the Directorate-General for Statistics and Censuses, found that the indigenous population in El Salvador accounted for only 0.23 per cent of the 5,744,113 inhabitants (see annex III). Accordingly, in the light of the opinions of demographic experts, the authorities are considering conducting a survey in 2012 to determine the size of the indigenous population and identify some of its basic characteristics. The survey will be coordinated by the Directorate-General for Statistics and Censuses (DIGESTYC), the Secretariat for Social Integration (SIS) and the United Nations Population Fund (UNFPA) and will aim to obtain disaggregated figures for the country's indigenous population. It will seek to secure the participation of the indigenous peoples in a way that ensures respect for their identity and prevents their stigmatization.

14. One of the measures taken to promote recognition of the indigenous peoples was the organization by the Secretariat for Social Integration of the First National Indigenous Congress<sup>5</sup> on 12 October 2010, at which the President of the Republic stated: "We are officially ending the historic denial of the diversity of our peoples and recognizing El Salvador as a multi-ethnic and pluricultural society."

15. The present Government has established the Secretariat for Social Integration, comprising a Directorate for Indigenous Peoples, which is engaged in setting up a national coordinating office to frame public indigenous policy.<sup>6</sup> In addition, in June 2009 a Secretariat for Culture was established by Presidential decree,<sup>7</sup> replacing the National Culture and Arts Council. The "Standing Committee" of the Office of the Human Rights

<sup>3</sup> This Profile, produced in 2003 by the Secretariat for Culture (formerly CONCULTURA), gives an overview of the indigenous peoples living in the country, describes their cultural practices as part of the national heritage and recognizes their existence as guardians of an ancestral culture.

<sup>4</sup> *Cofradías* and *mayordomías* are traditional organizations combining Spanish and indigenous ideas and forms (expressions) in a popular artistic and religious framework. Their principal activities are focused on a Patron Saint. They enjoy considerable independence vis-à-vis the ecclesiastical authorities. The differences between the two groups reside in their hierarchical organization and the names given to their particular vocation. The *Hermandades* are also traditional organizations but with the particular characteristic that, although attached to a church, they follow a different time calendar of activities, organizing a series of events and discharging various duties throughout the year. Some of them (such as the Santo Entierro Brotherhood) may also be recognized by their apparel or vestments at major celebrations.

<sup>5</sup> Opening by the President of the Republic of the First National Indigenous Congress - publication released on 12 October 2010. Available at <http://www.presidencia.gob.sv/index.php/novedades/noticias/item/785-presidente-de-la-republica-inaugura-primer-congreso-nacional-indigena>.

<sup>6</sup> *Ibid.*

<sup>7</sup> Diario Oficial, Vol. 383, No. 117, Decree No. 8, p. 13, art. 9.



Advocate is an important forum for indigenous peoples' active participation through their organizations; based on continuing analysis, the organizations submit constructive proposals for the design of public policies that are inclusive and respectful of the indigenous inhabitants. In 2009, for instance, the Committee submitted a proposal to the Legislative Assembly for a constitutional reform aimed at recognizing indigenous peoples officially in the Constitution.

16. In addition, since 1980 a number of community development organizations, foundations and associations with indigenous identities have been established nationwide. The Secretariat for Culture works in close coordination with these organizations to carry out a number of activities in areas such as the recognition of indigenous identity, demands for rights and cultural activities.

#### **Article 1, paragraph 2**

17. The Constitution of the Republic provides that all individuals and legal entities have the right of access to land, which means that indigenous communities as such are not debarred from acquiring real property. As regards recognition and protection of their property rights, the Liberty and Progress Institute<sup>8</sup> has reported that up to June 2010 it had not received any concrete requests for the legalization of property ownership from any specific indigenous individuals or communities; it had, however, undertaken legalization proceedings in 39 municipalities in 11 departments<sup>9</sup> with indigenous populations, resulting in the legalization of land tenure for 5,228 families.

18. There are no registers of land holdings of indigenous communities as such in the real estate and mortgage registers kept by the National Registry in accordance with current registration laws, which does not mean that these communities cannot acquire real estate. This is because under the registration system in force in El Salvador and the principles governing it, there is no requirement for property holders to mention that they belong to an indigenous community. Considerable efforts are in fact being made to obtain the legalization of land holdings and a survey of buildings to secure for the population as a whole, including indigenous communities, the benefit of the legal security provided by the land registry and the guarantee of the validity of their rights vis-à-vis third parties.

19. During the period 2011–2014 the Social Investment for Local Development Fund, together with the Office of the Under-Secretary for Regional Development and Decentralization, the Secretariat for Strategic Affairs and the Salvadoran Municipal Development Institute, will implement the Local Government Strengthening Project, whereby investments totalling \$80 million will be made in infrastructure and capacity-building projects in the country's 262 municipalities. This project seeks to improve the administrative, financial and technical processes and systems of local governments, their ability to provide basic services and the development of processes sustainable in the medium and long term with community participation.

20. The project will include implementation of the World Bank's operational policies on environmental evaluation, involuntary resettlement and indigenous peoples and, more specifically, the Indigenous Peoples Planning Framework (OP 4.10), which promotes the adoption of measures to prevent any adverse effects on indigenous communities and, where unavoidable, to reduce, mitigate or compensate the potential effects as far as possible. It

<sup>8</sup> A government body specialized in providing technical assistance and legalizing ownership of real property in order to provide speedy, efficient, certain and low-cost legal security for low-income families.

<sup>9</sup> Departments of Ahuachapán, Cuscatlán, La Libertad, La Paz, La Unión, Morazán, San Salvador, San Vicente, Santa Ana, Sonsonate, Usulután.



also contains a safeguard for indigenous peoples that serves as a protective measure and is activated whenever adverse effects on an indigenous settlement resulting from an infrastructure project are identified. It involves consultations with the community to establish the priority to be given to the project and acts as a filter to determine its viability.

### **Article 1, paragraph 3**

21. As an independent State, El Salvador is a staunch defender of strict compliance with the principle of the right of peoples to self-determination. In its external relations it promotes the principles recognized in the Charter of the United Nations, such as mutual respect, peaceful coexistence, democratic solidarity and economic cooperation.

### **Article 2**

#### **Article 2, paragraph 1**

22. El Salvador recognizes that the support it receives through various forms of technical and financial cooperation is key to the execution of national programmes and projects that afford social benefits for the population as a whole in areas such as health, education, housing, agriculture and employment.

23. The current Administration attaches priority to ensuring transparent and effective use of State resources and the funds received under international cooperation. By decision of the President of the Republic, Mauricio Funes Cartagena, responsibility for this task falls to the Office of the Deputy Minister of Cooperation for Development of the Ministry of Foreign Affairs, which was established in June 2000 to improve the raising and management of aid from friendly countries.

24. El Salvador acceded to the Paris Declaration in May 2009, thereby accepting all the principles of the aid effectiveness agenda — appropriation (and partner country's leadership), alignment of cooperation with national policies, harmonization of cooperation to reduce transaction costs, results-oriented (as opposed to results-based) management and mutual accountability for the results of the action — as fundamental elements of its development cooperation strategy.

25. During its first year of operation the Office of the Deputy Minister secured confirmed financial cooperation<sup>10</sup> totalling US\$ 300,580,000 in non-reimbursable form, 71.22 per cent from bilateral sources and 28.77 per cent from multilateral sources. This amount may be compared with the US\$ 135,440,000 reported during the period from June 2008 to May 2009. It represents an increase of 121.92 per cent in the total amounts of confirmed financial cooperation that will be entering the country in the form of payments made annually or over several years. Information on bilateral and multilateral cooperation in recent years, analysed by sector and number of programmes and projects, may be found in annex IV.

26. There are currently over 600 specific projects being executed by various State institutions and monitored by the Office of the Deputy Minister. These include the project to build the first hostel for expectant mothers in Sonsonate,<sup>11</sup> implementation of the

<sup>10</sup> "Confirmed cooperation" consists of all the cooperation granted during the period in question and supported by signature of a legal instrument of some kind.

<sup>11</sup> Construction was officially launched on 19 October 2010 by the Korean Ambassador, Maeng Dal-Young, Counsellor Hugo Martínez and Ms. María Isabel Rodríguez, the Minister of Health. There are now hostels for expectant mothers in Cara Sucia, Ahuachapán, Coatepeque, Santa Ana, Sonsonate,



Emergency 913 system in the firefighters' corps, the overhaul of four special education institutions, food safety programmes for children, temporary income support programmes and funding for Rural and Urban Community Solidarity programmes, which are specific initiatives undertaken as part of the Universal Social Protection System.

27. The amounts managed will be applied by bodies such as the National Water Supply and Sewerage Administration, the Social Investment for Local Development Fund, the Office of the Under-Secretary for Regional Development and Decentralization, the Ministry of Health and Social Welfare, the Ministry of Education, the National Civil Police, the University of El Salvador, the Ministry of Agriculture and Livestock, the Office of the Deputy Minister for Housing and Urban Development, the Ministry of Justice and Public Security and the Ministry of Public Works.

#### **Article 2, paragraph 2**

28. Articles 3 and 58 of the Constitution recognize the right to equal treatment in the application of the law without discrimination on grounds of nationality, race, sex or religion. Any public official or employee, person in authority or public authority who infringes this right is punishable under article 292 of the Criminal Code (offences relating to the right to equality).

29. The recently adopted Child and Adolescent Protection Act<sup>12</sup> guarantees equality under the Special Regime for Minors and Adolescents. Article 11 of the Act provides a more comprehensive definition of equality, reading as follows: "All children and adolescents of either sex are equal before the law. Consequently, there shall be no justification for any distinction, exclusion, restriction or preference based on criteria such as sex, colour, race, age, language, religion, form of worship, opinion, filiation, national, ethnic or social origin, economic status, special needs, birth or any other condition of children or adolescents or their fathers, mothers, representatives or guardians, designed to bring about or resulting in an erosion or invalidation of the recognition, enjoyment or exercise of their fundamental rights."

30. The Executive has also adopted regulations designed to eliminate discrimination in the civil service. For example, Executive Decree No. 56, dated 4 May 2010 and published on 12 May (*Diario Oficial* No. 86, Vol. 387), contains regulations to prevent all forms of discrimination in the civil service based on sexual identity or orientation.

31. As the report and the updated core document are being submitted at the same time, the Committee is kindly requested to refer to the latter, which contains the indicators relating to enjoyment of the rights enshrined in the Covenant that are mentioned in the harmonized guidelines (HRI/GEN/2/Rev.6).

#### **Article 2, paragraph 3**

32. Article 96 of the Constitution provides that: "From the moment they enter the territory of the Republic, non-nationals shall be under a strict obligation to respect the authorities and obey the laws and shall acquire the right to the protection thereof." Article 100 renders foreign nationals subject to a special regime. The Aliens Act, approved by Executive Decree No. 299, guarantees various rights to non-nationals. In particular, it establishes that "with the exception of political rights, non-nationals shall enjoy the same

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La Palma, Chalatanango, San Juan Nonualco y La Herradura, La Paz, San Gerardo, San Miguel y Corinto and Morazán, providing care for women during and following pregnancy.

<sup>12</sup> The Act took effect in part on 16 April 2010. Decree-Law No. 320 established that Books I and III would take effect on 16 April 2010 and Book II on 1 January 2011.



rights as nationals, on the same footing, and shall be subject to the same obligations” (art. 12). The rights in question include economic rights, which alone account for a substantial number.

33. Article 25 grants non-nationals the same rights to work as Salvadorans without restrictions other than those laid down in the above-mentioned Act, the Labour Code and other national legislation. Article 11 of the Labour Code provides that non-nationals shall enjoy the same rights to work as Salvadorans without restrictions other than those established by law. However, the Executive may take any measures it considers expedient to maintain equilibrium in labour mobility in Central America, except where there are effectively implemented conventions or treaties in force.

34. With regard to restrictions, article 26 of the Aliens Act provides that a non-national wishing to enter the country to provide services must first obtain authorization from the Ministry of Justice and Public Security. In addition, article 29 of the Migration Act provides that non-nationals may engage in remunerated activity, provided always that this does not crowd out Salvadorans engaged in similar activities. Lastly, article 7 of the Labour Code provides that “employers may be authorized to employ more than 10 per cent of non-nationals”.

35. As for pension guarantees for non-nationals, article 7 of the Pensions Savings Scheme Act provides that every worker in a dependent labour relationship, irrespective of nationality, is required to join the scheme. The scheme is also open to affiliation by self-employed workers, again without differentiation of any form based on nationality. Thus, non-nationals employed in the country must join the existing scheme, while self-employed non-nationals residing in the country may choose to do so.

36. El Salvador was one of the first countries to ratify the Ibero-American Multilateral Social Security Agreement. The chief purpose of this Agreement is to guarantee recognition of periods of service of persons who have worked in various States that are parties to the Agreement. The annexes to be sent under the terms of the implementing agreement have already been agreed among the country’s competent pension insurance institutions. In due course these will be transmitted by the Ministry of Labour and Social Security to the Ministry of Foreign Affairs for deposit with the International Social Security Association (ISSA).

37. On the subject of the right to form unions and to join the union of one’s choice, article 47 of the Constitution recognizes the right of non-nationals to join a union in the following terms: “Private sector employers and workers may, without distinction on grounds of nationality, sex, race, religious convictions or political opinions, or the nature of the work performed, freely form occupational associations or trade unions to defend their respective interests. Workers in autonomous official institutions shall have the same right.” The same article clearly states that the leaders and founders of a union must be Salvadoran nationals by birth, thereby excluding non-nationals. This exclusion applies in both the private and the public sectors (Labour Code, art. 225, and Civil Service Act, art. 90).

38. With regard to property rights, article 18 of the Aliens Act stipulates that non-nationals’ ownership of title to movable and immovable property shall be governed by domestic legislation and lawful rights. Article 26 of the Constitution (art. 109) lays down the following restriction in this regard: “Non-nationals whose countries of origin do not accord equal rights to Salvadorans may not own rural property, except in the cases of land for industrial facilities.”

39. In the field of commerce, article 115 of the Constitution stipulates that small-scale commerce, industry and services shall be the province of Salvadorans by birth and native-born citizens of Central American countries. Non-nationals are thus excluded from this particular field.



40. National social housing development programmes are designed specifically for families with meagre financial resources. The families that have joined these programmes have met each institution's duly documented socioeconomic eligibility criteria and are settled in El Salvador. In some cases they may be assisted by Salvadoran families living abroad. The authorities have no statistics on poor non-national families residing in the country and wishing to acquire housing through the national programmes; in order to join a housing programme, such families would need to legalize their residence in the country and be in possession of national identity papers, as well as being subject to legally established eligibility criteria. All persons are required to comply with all the prerequisites established in the rules governing the institutions that run the housing programmes.

41. While the Act, Basic Regulations and Institutional Credit Rules of the Social Housing Fund in no way restrict the acquisition of housing by non-nationals through this institution, the Aliens Act requires such persons to be temporarily or permanently resident in El Salvador, to be able to prove that they have stable or permanent work permits, and to satisfy the legally-established eligibility criteria — i.e. they must satisfy all the creditworthiness requirements established in the regulations of the Social Housing Fund.

42. With regard to access to health and education services, national laws and regulations impose no restrictions on use of such services in the public sector by non-nationals. Article 1 of the Constitution refers to “the obligation of the State to ensure for the inhabitants of the country the enjoyment of freedom, health, culture, economic well-being and social justice”, while article 66 stipulates that “the State shall provide assistance without charge to sick persons who lack resources” and article 56 states that “all inhabitants of the Republic have the right and the duty to receive education”.

43. There are also no legally established restrictions on access to justice for non-nationals. Article 18 of the Constitution provides that “every person shall have the right to submit petitions, in writing and in seemly terms, to the legally established authorities, to have their complaints addressed and to be informed of the outcome”.

44. Articles 1, 2 and 3 of the Constitution recognize the human person as the origin and purpose of the activity of the State, which must be organized in such a way as to secure justice, legal certainty and the common good, and establishes the obligation of the State to ensure the enjoyment of freedom, health, culture, economic well-being and social justice. Thus, any person within the territory of the Republic, without distinction, is entitled to enjoy these guarantees.

45. The Constitution also stipulates that all persons are equal before the law; in other words, that all persons inhabiting Salvadoran territory, irrespective of nationality, shall enjoy the same civil rights before the law.

46. In practical terms, pursuant to the provisions of domestic law, all persons, whether nationals and non-nationals, have unrestricted access to the machinery of justice — the Office of the Attorney-General (*Fiscalía General de la República*), the Office of the Counsel-General (*Procuraduría General de la República*), the court system and the National Civil Police (as an auxiliary body of the public administration) — for the settlement of disputes of a jurisdictional nature. There are thus no restrictions in the Salvadoran legal system on the right of access to justice based on differences of nationality.

47. Moreover, article 172 of the Constitution confers on the Supreme Court of Justice and the judiciary exclusive power to administer justice and enforce judicial decisions, guaranteeing due process and access to justice for all the country's inhabitants without any restriction on grounds of the nationality of the person seeking recourse.

48. Likewise, as regards the Government's social programmes, there is nothing in either component (urban or rural) of the Community Solidarity Programme<sup>13</sup> debarring non-nationals from benefiting from the programme or receiving conditional cash transfers. This is because the information on variables that the beneficiary identification and selection system cross checks relates to income, marginality and housing conditions. Non-nationals who are unable to obtain aid under the programme because they do not have a single identity document can nominate a Salvadoran national to receive the money on their behalf, provided that the programme requirements are satisfied.

### Article 3

49. To combat discrimination and violence against women, the Government has included the following text in the Five-Year Development Plan 2010–2014:

“... to ensure that the different sectoral policies and strategies contained in the Five-Year Development Plan contribute to the creation of a society with gender equality by reducing breaches of such equality and combating all forms of violence against women, a National Policy on Women will be implemented under the direction of the Salvadoran Institute for the Advancement of Women (ISDEMU). Its purpose will be to foster women's all-round development in every branch of society under conditions of equity and equality with men, and its activities will be guided by two major strategic objectives: the promotion of public policies with a gender perspective, and the promotion of compliance with the international commitments of the State of El Salvador regarding the human rights of women, gender non-discrimination, and prevention, support, punishment and elimination of all forms of violence against women.”<sup>14</sup>

50. In this context, ISDEMU has stepped up its efforts to promote the elimination of discrimination against women in the different areas covered by the National Policy on Women. A second version of this instrument is in the course of preparation and approval. Its aim is to satisfy women's needs more efficiently in the various areas of development, in line with international legal instruments, including the International Covenant on Economic, Social and Cultural Rights. Mention may be made of the following measures taken in connection with the rights set forth in the Covenant.

#### *Right to work*

51. Various actions are being taken to promote women's access to employment on terms of equality of opportunity through the programmes of the Universal Social Protection System (Rural and Urban Community Solidarity Programmes) and the Temporary Income Support Programme,<sup>15</sup> which were developed and implemented with input from ISDEMU. As the programmes are recent, there are as yet no impact studies.

52. Generally speaking, the working conditions of Salvadoran women as a whole are far from equitable and just. The proportion of women in the economically active population is 41.25 per cent; 49.6 per cent of them work full-time, 46.7 per cent are under-employed,

<sup>13</sup> Executive Decree No. 56 (the instrument by which the programme was established) contains no express provisions debarring non-nationals from accessing its benefits. The decree was published in *Diario Oficial* Vol. 383, No. 188, Oct. 2009, pp. 35 and 36.

<sup>14</sup> Five-Year Development Plan 2010–2014, Government of El Salvador, 2010, p. 62, para. 57.

<sup>15</sup> A programme launched by the present Administration in September 2009 and managed by the Social Investment for Local Development Fund.



and 3.8 per cent are unemployed.<sup>16</sup> This means that over half of women lack access to all the benefits and rights deriving from decent work.<sup>17</sup> In addition, women's wages are 20 per cent<sup>18</sup> lower than those of men working in the same conditions (i.e. in the same occupation and with the same educational qualifications).

53. Many economically active women are employed in the *maquila* sector and domestic service, where their working conditions make them particularly vulnerable. In the *maquila* sector, for example, women's average earnings are \$163 compared to \$220.50 for men. In the domestic service sector, the average is \$113.36 for women and \$161.31 for men.<sup>19</sup> This situation led ISDEMU to single out the two sectors in one of its lines of action: "to assess institutionalized violation of women's labour rights, with particular emphasis on the *maquila* and domestic service sectors". A number of actions have been taken to this end, including the organization of forums and events to raise awareness of women's working conditions and possible violations of their human rights.<sup>20</sup>

54. Another important step forward is the incorporation of the economic autonomy agenda in the Second National Plan for Women 2010–2014. Employment and income are one aspect of this agenda, the aim of which is to establish equality of rights in low-grade jobs, in compliance with the principle of equal pay for equal work in domestic service, *maquila* and informal sector employment. Action will also be taken in the field of vocational training, in order to reduce occupational gender segregation. These measures are also a response to the needs and demands formulated by women's organizations, through their various platforms.

#### *Right to join unions*

55. Women's participation in trade unions varies according to the sector of activity. For example, in the social and health services sector the percentage of women in trade unions is 69.7 per cent. In the manufacturing sector, the percentage is 51.4 per cent, in commerce 50.9 per cent, in the public sector 32.6 per cent, in community, social and personal services 13.4 per cent, and in the construction sector 0.22 per cent.<sup>21</sup>

56. Because it is such an important issue, ISDEMU has made outreach and coordination with women trade union members, with whom it holds regular meetings, one of its specific lines of action. It has also taken part in conferences and debates on the problems faced by female public and private sector workers. It has received complaints of and given joint follow-up to cases of violations of women's labour rights and, in this connection, has submitted to the Ministry of Labour and Social Security a proposal for reform of the Labour Code (January 2010). In addition, on 1 May 2010, ISDEMU launched an integrated support

<sup>16</sup> Information taken from the *Cuaderno de Desarrollo Humano No. 7. Trabajo que no se mira ni se cuenta: aportes para una nueva relación entre el género y la economía*. El Salvador, 2008, p. 4

<sup>17</sup> "Decent work" is defined as work offering fair remuneration, social protection for the worker and his or her family, good conditions and safety at the workplace, opportunities for personal development and social recognition and equality of treatment for men and women. *Ibid.*, p. 75.

<sup>18</sup> Based on data in the 2008 multipurpose household survey.

<sup>19</sup> *Idem.*

<sup>20</sup> The measures taken by ISDEMU to assess the institutionalized violation of the labour rights of women include: (a) 16 October 2009: launch, in coordination with ILO and the Ministry of Health, of a book entitled *La igualdad de género en el corazón del trabajo decente en El Salvador*; (b) 30 April 2010: 1 May Commemorative Forum: Working Conditions of Salvadoran Women: Maquila and Domestic Service; (c) 30 August 2010: assistance to women's organizations for the submission of a petition calling for 5 July of each year to be recognized as the National Day of Women Maquila Workers.

<sup>21</sup> The information dates from 2007 and was provided by the Ministry of Labour and Social Security.



service for cases of sexual harassment in the workplace that offers assistance to women in both the public and private sectors.

#### *Right to health*

57. The current Administration is reformulating its strategy in order to support the development of public health policies and the corresponding action plans. These include the National Youth Policy, the Food Security and Nutrition Policy, the National Strategic Plan for HIV Prevention and Response, and the Strategic Plan for Adolescent Health. These are all accompanied by specific initiatives to reduce inequalities in health services and improve access to medical services. This is an inter-institutional endeavour, involving the Secretariat for Social Integration, the Ministry of Health and Social Welfare and the Ministry of Education, among others.

58. With regard to the right to hygiene in the workplace and environment in particular, between 2005 and 2008 ISDEMU ran a series of continuous training events on hygienic practices, environment and gender as part of a programme of training targeting the Women's Training and Production Centres managed jointly by ISDEMU and local authorities,<sup>22</sup> and also the women's associations established as part of the social programmes in place in extremely poor municipalities.

59. In addition, in June 2009, as part of the strategic reorientation exercise, ISDEMU incorporated sexual and reproductive health into the second National Plan for Women, in accordance with the Ministry of Health's new policy for 2009–2014, entitled "Building hope". This area is one of the strategic goals of the National Plan, the objectives of which are focused on quality and prevention.

60. Under the intersectoral programme for sex education and the prevention of teenage pregnancies, ISDEMU, together with other government institutions, has initiated a review of the National Strategic Plan for Integrated Adolescent Health Services, and also of the education curriculum, with a view to improving the sex education programme by incorporating a rights and gender perspective.

#### *Right to education*

61. In July 2010 the Ministry of Education began drawing up a gender policy for the education system that is designed to eliminate sexism and promote equity between men and women in education, incorporating the gender perspective in the institutional statistics system. The Ministry has also issued guidelines for educational services for pregnant teenagers and for eliminating any form of discrimination based on this situation. These are complemented by flexible education programmes designed to diversify options for continued study.

62. The Ministry has also launched a review of the educational curriculum with a view to improving sex education through the incorporation of a rights and gender perspective. ISDEMU is supporting this process by providing technical advice and training in how to incorporate the gender perspective in the classroom.

63. The education section of ISDEMU is also promoting girls' access to formal education, providing technical advice and training for teaching staff in how to incorporate the gender perspective in the classroom.

<sup>22</sup> Including the municipalities of Aguilares, Santo Tomás, Atiquizaya, San José, Guayabal, El Carmen, Tejutla, Chalatenango and San Pedro Nonualco.



64. Since June 2009 ISDEMU has been working more closely with the Ministry of Education to promote gender discrimination-free education and bring about a change in attitudes and behaviour that will help to eliminate any form of inequality, restore the values essential for satisfactory coexistence and promote the establishment of mechanisms for addressing and preventing sexual harassment and other situations that place the integrity of children at risk.

65. ISDEMU also plans to provide technical support for the development of the Ministry's gender policy, as well as participating in and supporting the Ministry's flagship programmes, including the programme for the provision of school uniforms, materials and supplies for children in nursery and basic education in public educational establishments. ISDEMU encourages women's active participation in this programme, through the structures responsible for entrepreneurial organization. It is also contributing to preparation of the work plan for the grant and scholarship programme, which will benefit young women by offering them incentives to complete their studies in the form of tools and affirmative action in favour of women.

66. With regard to higher education, ISDEMU is in the process of establishing cooperation and coordination agreements with the University of El Salvador and the Technological University of El Salvador in order to bring to fruition projects for the development and execution of activities designed to promote the gender perspective in the various areas of human development on the university campus.

67. The foregoing demonstrates the approach that the State party has adopted to the issues raised in the Committee's concluding observation on the equality of men and women in all spheres of life, in particular the action it has taken to combat discrimination in the education of girls and young women, in access to employment, in equal pay for work of equal value, and in ensuring appropriate working conditions (E/C.12/SLV/CO/2, para. 28).

#### *Right to culture*

68. In July 2010, ISDEMU and the Secretariat for Culture of the Office of the President signed a framework cooperation agreement to develop institutional cooperation and technical assistance and thus foster a cultural policy in which gender equality and the elimination of androcentric and patriarchal attitudes that generate and perpetuate discrimination and violence against women are mainstreamed. The agreement is expected to contribute to the non-discriminatory development of skills and their practical application in the work of the Secretariat for Culture, to mainstream the gender perspective and to promote the full development of indigenous women and the elimination of cultural stereotypes and practices that discriminate against them and exclude them from the various spheres of national life.

69. The issue of cultural deconstruction has been included in the second National Plan for Women, the aim being to progressively break down the structures, myths and beliefs which nurture discriminatory practices that generate gender-based inequalities and to promote the replacement of stereotypical institutional expressions through the adoption of a normative, regulatory framework that promotes gender equality and non-discrimination against women.

70. Under the current Administration, the Secretariat for Culture is working to engineer a cultural change that generates social processes conducive to a culture of creativity and knowledge, promoting a non-violent society of opportunity and equity and stimulating and strengthening the participation of the country's various social strata (including communities of indigenous peoples, women and young people) in national culture and arts. Creativity, identity and historical memory are also being promoted and attempts are being made to

facilitate access to knowledge, cultural information and human values, so stimulating cultural dialogue and enhancing intersectoral activities benefitting culture.

#### *Right to housing*

71. The housing and habitat programmes developed by the Office of the Deputy Minister for Housing and Urban Development focus for the most part on the family, irrespective of the sex of the head of household and provided the family has two or more members. As a result, the population universe covered by the Office of the Deputy Minister consists of families with scant economic resources and not earning more than twice the minimum wage who have no housing and are prepared, in so far as the programmes to which they are affiliated so require, to do unskilled work for the project's constructive development.

72. When determining which families should be prioritized, the Office of the Deputy Minister will first select families with women heads of household, provided that they also meet the conditions established by the housing programme from which they will receive assistance.

73. The Social Housing Fund underlines that, pursuant to the provisions of its credit eligibility regulations, access to housing or some form of dwelling is not gender discriminatory since the Fund offers equal opportunities and conditions of access to credit to any worker — male or female — on favourable terms, depending on their income, repayment capacity and the other requirements established in the regulations.

74. On the issue of gender discrimination, on 8 March 2010 ISDEMU and other government institutions gave their backing and support to the Prudencia Ayala Feminist Coalition in its efforts to bring the preliminary bill on equality, fairness and elimination of discrimination against women in El Salvador before the Legislative Assembly. This bill is hugely important in that it calls for respect of the provisions designed to guarantee fulfilment of the constitutional principle of equality and non-discrimination. The preliminary bill names ISDEMU as the institution responsible for providing technical assistance and monitoring its enforcement. As a result, the institution's financial and human resources will both need to be strengthened.

75. ISDEMU is currently providing technical assistance and support for the process of reviewing the preliminary bill through a special committee appointed by the Commission for the Family, Women and Children of the Legislative Assembly.

### **Articles 4 and 5**

76. Since the core document and the periodic report are being submitted at the same time, the Committee is kindly requested to refer to the updated version of the core document, which contains information on the status of the main international human rights treaties.

### **Article 6**

#### **Article 6, paragraph 1**

77. As for the impact of national employment programmes, in 2003–2005 the Ministry of Labour and Social Security launched a strategy for decentralizing and strengthening the Public Employment Service, which is known as the National Job Opportunities Network. The main aim of the network was to help unemployed persons enter the labour market and increase firms' access to qualified human resources. It was also intended to serve as a basic



tool for disseminating market information and devising proactive nationwide employment policies. The Job Opportunities Network project culminated in the development of a computerized tool that combined an intermediation model with personalized support and could be used for the online dissemination of information about the labour market.

78. On 13 March 2006, this labour intermediation software was brought into service in 10 satellite offices, which are now operating as local job centres. The Ministry of Labour and Social Security has continued to pursue this project, and there are now 24 local job centres and three satellite centres nationwide.

79. Between 12 April 2007 and 11 July 2008, the Youth Employment and Vocational Training Programme provided training for 2,000 young men and women between the ages of 15 and 25 in seven municipalities in the Greater San Salvador Metropolitan Area.<sup>23</sup> This programme was designed to improve the coverage and vocational orientation of the Civil Service Decentralization Strategy (the National Job Opportunities Network). Its activities included three employment fairs,<sup>24</sup> which were attended by 244 private-sector enterprises offering a total of 16,127 job opportunities for young people in different areas of specialization in the manufacturing, commercial and services sectors and by 13,169 young job-seekers (6,864 males and 6,305 females). The project was also focused on the further development of the social and work skills of 600 young persons as a means of building upon vocational training and juvenile violence prevention programmes. As part of this effort, 11 youth camps were set up which were attended by 612 young persons (156 males and 456 females).

80. Other project activities have included training for some 300 young men and women, technical assistance and loans for 25 production ventures being run by young people, activities designed to build the organizational and associative capacity of the mayoral offices of seven municipalities of the Greater San Salvador Metropolitan Area in order to assist them in designing and implementing proactive job-promotion policies and activities aimed at building the institutional capacity of the Ministry of Labour and Social Security in the area of youth employment and vocational training in the Department of San Salvador.

81. A project has also been launched to strengthen the entrepreneurial skills of members of such vulnerable groups as persons with disabilities, older adults, women heads of household and young members of society who are at risk. The project addresses employers' lack of social awareness and knowledge about the actual abilities, skills, values and rights of these population groups, along with the absence of a social integration and labour strategy for these sectors, which makes their members' integration into the labour market even more difficult. Within that framework, the Ministry of Labour and Social Security intends to develop ongoing activities to support vulnerable groups' entry into the labour market by helping them to engage in business ventures that will strengthen their social and work skills, improve their quality of life and foster their all-round development. Domestic laws include the Equal Opportunities for Persons with Disabilities Act, whose purpose is to create equal opportunities in the labour market for that population group, and the Integrated Services for Older Persons Act, which is intended to ensure that the elderly receive comprehensive care and to promote family integration.

<sup>23</sup> The municipalities concerned were: San Martín, Ciudad Delgado, Ilopango, Cuscatancingo, Tonatepeque, Santa Tecla and Antiguo Cuscatlán.

<sup>24</sup> Employment fairs are events coordinated by the Ministry of Labour with a view to matching up job-seekers and job opportunities on a nationwide basis. These events have made it possible for employers to obtain the human resources they need and for many Salvadorans to find decent work. Some 40 employment fairs are organized throughout the country every year.

82. The main achievements in this area include the 16 entrepreneurial skills-building workshops held for members of the most socially vulnerable population groups. These workshops were attended by 517 people from the country's four most vulnerable groups. In addition, 422 business plans were drawn up, and 16 business projects were awarded funding in the form of rotating credit. This project is ongoing; 65 business plans have been selected for review by the committee which decides whether or not to extend credit for their implementation.

83. The Ministry of Labour and Social Security also organizes self-employment fairs, which are designed to encourage entrepreneurship. In recent years, fairs of this type have been devoted to such target groups as persons with disabilities, older persons, single mothers and young persons in situations of risk. The Ministry has a database of individual entrepreneurs and business associations that are invited to exhibit their products at these self-employment fairs. Each fair therefore provides exhibitors with an income-generating opportunity to market their products.

84. The National Employment Network was launched in 2009/10 as part of the effort to decentralize the Public Employment Service. This valuable strategic initiative is focused on promoting a new employment model that will make it possible to increase the employability and improve the occupational status of the public at large. The main thrust of the programme is to enhance cooperation between the Ministry of Labour and Social Security and other national and local public and private bodies in an attempt to improve the quality of the National Public Employment Service.

85. The Network places priority on helping people from the most socially vulnerable sectors to become active participants in the country's production activities and on establishing local job centres throughout the country in order to bring intermediation services within the reach of the population.

86. The Network has also developed a plan for the establishment of local job centres and the recruitment and training of 78 new employment managers to staff the local centres as a means of strengthening the Public Employment Service. The Network currently has 34 job centres around the country and plans to open another 32, which means that a total of 66 job centres will be serving the public by the end of 2010.

87. Also as part of this project, on 11 December 2009 the Ministry of Labour and Social Security, the Salvadoran Vocational Training Institute (INSAFORP) and the Ministry of the Interior signed a multi-sectoral agreement that provides a basis for the development of a plan to establish local employment centres, among other measures.

88. Another important project of the Organization of American States (OAS) and the Ministry of Labour and Social Security is aimed at building the entrepreneurial skills of members of the most vulnerable social groups. An inter-agency agreement was signed by the Ministry of Labour and Social Security, the Family Solidarity Fund and OAS on 14 December 2009 under which the Fund is authorized to act as the sole administrator of the funds provided by OAS and to take decisions regarding the distribution of resources from revolving funds to selected entrepreneurs. In all, 34 microenterprises (run by persons with disabilities, women heads of households, young persons at social risk and older adults) will benefit under this project.

89. These are some of the actions taken to follow up on the Committee's observation regarding effective measures to ensure the gradual reduction of the unemployment rate and the percentage of employment accounted for by the informal sector (E/C.12/SLV/CO/2, para. 29) (see annex I, table 1).

90. Decree No. 111 of 23 December 2009 provided for the establishment of an advisory committee to review cases in which civil servants had been terminated. A total of 648 cases



were submitted to this committee by public-sector workers who considered that their labour rights had been infringed. Following an objective analysis of these cases, the committee recommended reinstatement of the employees concerned in 250 of these cases.<sup>25</sup>

91. With regard to the legal safeguards in place to protect workers from dismissal, articles 58 and 59 of the Labour Code provide that workers are entitled to compensation from the employer in the event of unfair dismissal. Article 369 of the Code gives competence to labour court judges and other judges with jurisdiction in labour matters to hear cases in which the unfair dismissal of private-sector workers is alleged. The Ministry of Labour and Social Security acts as a mediator through the Directorate-General of Labour, in accordance with article 27 (1) of the Labour and Social Security (Organization and Functions) Act, to assist the parties to arrive at just and equitable settlements.

92. The Civil Service Act lays down the grounds for dismissal of public employees (art. 53) and the procedure to be followed (art. 55). This law also establishes a disciplinary regime that includes various penalties that fall short of dismissal.

93. With respect to what is known as the “informal sector”,<sup>26</sup> the Ministry of Economic Affairs works with the National Commission for Microenterprises and Small Businesses (CONAMYPE)<sup>27</sup> to support microenterprises and small businesses with a view to creating decent, sustainable employment on a large scale in order to promote the construction of a solidarity-based economy sustained by such values and principles as equality, solidarity, cooperation, job creation and the promotion of human and social development.

94. Since June 2009, the present Administration has worked with CONAMYPE to coordinate entrepreneurial and crafts programmes that are in turn responsible for coordinating the work of the country’s three Handicraft Development Centres. These centres are helping some 5,188 employers, entrepreneurs and artisans in the country to become more competitive. An estimated 3,746 microenterprises and small businesses, crafts workers and entrepreneurs have been given access to training programmes, technical assistance, information, funding links, advice and activities promoting the use of information technologies.

95. An effort is made to encourage microenterprises and small businesses, artisans and entrepreneurs to become involved in national programmes. To this end, the Labour and Social Security Department has developed various large-scale nationwide programmes that are overseen by the Office of the President. In view of the importance of involving microenterprises and small businesses in these government-run programmes, CONAMYPE is taking an active role in this initiative. These programmes, which are intended to meet the needs of the country’s most vulnerable sectors, are: the School Materials Programme, which provides free uniforms, shoes and school materials, and the Social Protection System, which is targeted at underserved urban settlements and forms part of the Anti-Crisis Plan and the Productive Development Strategy.

96. As a participant in the 2010 programme for the provision of uniforms, shoes and school materials to children in public nursery and elementary schools, CONAMYPE

<sup>25</sup> Information provided by the Ministry of Labour and Social Security.

<sup>26</sup> Defined as the segment of the labour market made up of wage earners and family workers employed in establishments with fewer than five workers and of self-employed workers and employers in enterprises with fewer than five workers in occupations other than those in the professional, technical, management and administrative categories (ENPM 2009, p. 468).

<sup>27</sup> A public institution established by Executive Decree No. 48 (published in the *Diario Oficial*, No. 331, dated 8 May 1996), as amended by Executive Decree No. 12 (published in the *Diario Oficial*, No. 344, dated 6 July 1999).

representatives have served on the technical board coordinated by Technical Secretariat of the Office of the President. The Government has encouraged microenterprises and small businesses to participate in this programme as part of its efforts to create more income-earning opportunities and jobs around the country. CONAMYPE engaged 64 technicians for a three-month period and sent them out to the 262 municipalities in the country to encourage the participation of the heads of microenterprises and small businesses and to advise them on how to proceed. It also supported the establishment of 240 municipal education committees throughout the country and, together with the Ministry of Education, provided 5,000 school directors with training in the application of procurement regulations.

97. During this process, guidelines for the submission of expressions of interest were distributed to 8,565 microenterprises and small businesses. The Ministry of Education reviewed these expressions of interest and identified 5,859 garment manufacturers and 681 shoe manufacturers which were then provided with training in the procedures involved in submitting tenders as suppliers to the Ministry.

98. The overall outcome of this programme was the formation of 174 associative groups with a total membership of 1,574 artisans producing men's and women's clothing (for an average of 9 artisans in each group). It is estimated that these groups met 30.4 per cent of the total demand for primary-school uniforms and that 8,240 jobs were created in the microenterprises and small businesses involved. In addition, 200 shoe manufacturers formed 7 associative groups that met approximately 18 per cent of the demand for shoes and created 1,070 jobs.

99. CONAMYPE will shortly introduce a model for microenterprise and small-business employers. To that end, it has begun to build a partnership among the public, private and academic sectors that can make a concerted effort to harmonize the approaches used in serving this important group of employers. On the basis of a pilot conducted by the University of Texas at San Antonio, which sketched out the first steps to be taken in "tropicalizing" the Small Business Development Centre model in El Salvador, various steps have been taken to this end, including presentations of the model and discussions with the representatives of the country's NGOs and municipalities, preparations for the introduction of the first-ever Diploma in Human Resources for Small Business Development Centres in El Salvador and the establishment of five related offices at national level.

100. CONAMYPE and the Ministry of Economic Affairs have also taken steps to establish a legal framework and a national policy for assisting microenterprises and small businesses to meet the requirements for gaining access to the government procurement system. CONAMYPE has been working to promote: (1) the introduction of a new law on the promotion and development of microenterprises and small businesses; and (2) the preparation of an amendment to the Government Procurement and Contracting Act.

101. Statistics on the composition and principal features of the informal economy can be found in table 2 of annex 1.

102. One highlight of the Five-Year Development Plan 2010–2014 is the commitment expressed in the statement that: "...The Government of the Republic is persuaded that, in order to improve Salvadoran families' living conditions and boost the nation's competitiveness, the country's production patterns must be changed. This, in turn, calls for a coordinated reorientation of public resources and services in order to foster innovation and entrepreneurial initiatives on the part of men and women engaged in business and the development of new business methods that will facilitate access to financial resources and high-quality management practices..."<sup>28</sup> The strategy is designed to bring about changes in

<sup>28</sup> Five-Year Development Plan 2010–2014. Government of El Salvador, 2010, p. 85, section 109.



national production patterns, with a special focus on small and medium-sized producers and on entrepreneurs, to open up new sectors, to foster joint ventures and to spur innovation and productive enterprises in developing regions of the country.

#### Article 6, paragraph 2

103. The Salvadoran Vocational Training Institute (INSAFORP)<sup>29</sup> is responsible for directing and coordinating the national vocational training system in El Salvador, whose aim is to provide the skilled human resources that are needed in the country in order to promote its economic and social development and to improve the living conditions of workers and their families. In pursuit of this objective, various vocational training techniques, methods and mechanisms are brought into play in the implementation of programmes for vulnerable population groups, including the unemployed and underemployed and young people as a group.

104. Within this framework, a number of training programmes have been developed, including the Work Preparation Programme (HABIL), which is geared primarily towards the members of the economically inactive population<sup>30</sup> who are seeking to join the labour market as a matter of urgency or to augment their household income by finding jobs in existing businesses or becoming self-employed. In that connection, a pilot vocational training project for young people was launched in 2005. In 2006, the Salvadoran Professional Training Institute began running its vocational training and labour integration project, which falls under the Regional Programme for Cooperation with Central America operated by the Spanish Agency for International Development Cooperation (AECID) in conjunction with the Ministry of Labour and Social Security. Between 2007 and 2010, this project provided training to 544 people (76 per cent of whom were women and 24 per cent of whom were men). In all, 403 of those trainees found employment (77 per cent in self-employment and 23 per cent as employees).

105. In 2008, as part of the strategic focus on strengthening, expanding and improving training services under the national vocational training policy implemented by HABIL, an ongoing training programme was created with a view to expanding the coverage of training services so that INSAFORP could mount a proactive response to meet the working, unemployed, underemployed and vulnerable populations' technical training needs in line with their own expectations for productive integration. In essence, this programme pays the enrolment fees for technical courses run at training centres for residents of the main departmental capitals. The programme is implemented in 10 of the country's geographical departments at 20 training centres. A total of 184,351 participants graduated from the various modules of the HABIL programme between 2005 and 6 July 2010 (46.3 per cent men and 53.7 per cent women).

106. In order to determine to what extent and in what way HABIL has helped to improve the working-age population's living conditions and access to the labour market, in 2007 the INSAFORP Labour Market Monitoring Centre conducted an impact survey of skills courses provided under the INSAFORP-Swisscontact project. The evaluation, which covered the 42 courses on offer between 17 July 2006 and 29 September 2007, showed that,

<sup>29</sup> INSAFORP is responsible for directing and coordinating the National Vocational Training System in El Salvador. Its goal is to meet the need for skilled human resources to carry forward the country's economic and social development and to improve the living conditions of workers and their families.

<sup>30</sup> HABIL targets the unemployed or underemployed, single mothers who are heads of household, economically active or inactive persons in need of vocational retraining, active workers in need of training to help them generate extra income, microenterprise workers, and students who need training in order to gain access to jobs or self-employment.

in some cases, the participating population's labour situation had improved, with the number of the members of that group participating in the labour market having doubled (in 2007), thereby reducing their vulnerability and lowering poverty levels. The main post-training impact on employment was that 70 per cent of the participants succeeded in finding work in small businesses created by the participants themselves (89 per cent women and 11 per cent men).

107. Another successful programme is the Initial Business Training Centre Programme (dual system), which is intended to strengthen people's work skills on the basis of systematically and fully developed career paths that are closely matched up with the requirements of the production sector and that will help to boost the business sector's productivity and competitiveness. The programme is aimed at young men and women between 16 and 25 years of age who are ready to take up a practical training apprenticeship in a business for a duration of from 6 months to 2 years. The practical training is provided in a participating business and may last from 355 to 2,548 hours, depending on the complexity of the training plan, while the theoretical training is provided in a training centre and may last from 245 to 1,880 hours. A total of 425 training firms in the industrial, commercial and service sectors are participating in the programme.

108. The programme offers a total of 29 career paths in eight occupational branches; between 2005 and June 2010, 2,982 persons (69.7 per cent male and 30.3 per cent female) completed the programme. In all, 98 per cent of the trainees secured at least one job; a large proportion (63.8 per cent) remained in the enterprises where they received their practical training; and 88.2 per cent stated that they applied the knowledge acquired during their training in their current job.

109. INSAFORP is also working on special training projects under cooperation agreements with national and foreign organizations and institutions to meet the training needs of particular sectors of the population, such as economically and socially vulnerable groups in both rural and urban areas and the unemployed and underemployed.

## Article 7

### Article 7, paragraph (a)

110. One of the responsibilities of the National Minimum Wage Council is to periodically draft decrees concerning the level of the minimum wage. The decrees currently in force are executive decrees Nos. 133, 134, 135 and 136, all dated 19 December 2008 and published in the *Diario Oficial* No. 241, vol. 381, of 22 December 2008. These decrees set the minimum wages to be paid with effect from 1 January 2009. The categories of workers subject to these decrees are listed in table 3 of annex I. Table 4 contains data on the employed population countrywide, by branch of economic activity.

111. The minimum wage is periodically reviewed. While the country has no workers' cost-of-living allowance, the Council is required to review minimum wages at least once every three years or whenever deemed necessary on the basis of fluctuations in the cost of living. The computation of the cost of living also takes into account the nature of the work involved, the various remuneration systems, the various areas of production and other criteria, as indicated in articles 145 and 146 of the Labour Code. Through the Directorate-General of Labour Inspections, the Ministry of Labour and Social Security, the lead agency, verifies compliance with minimum wage regulations when it carries out inspections in the different sectors of the local economy.

112. Regarding the recommendation made by the Committee in its concluding observations that the country should take steps to guarantee that the minimum wage enables workers and their families to enjoy an adequate standard of living (E/C.12/SLV/CO/2,



para. 30), it should be pointed out that, even in the absence of an alternative mechanism, once the new minimum wage chart is established, the Ministry of Labour and Social Security monitors compliance with it through its labour inspectors. Should non-compliance be found to exist, the appropriate penalty is imposed on the employer. Job centres also verify compliance with gender equality in pay and other labour provisions. The minimum wages in force from 2004 to 2009 were submitted by the National Minimum Wage Council for approval by the Executive in 2006, 2007, 2008 and 2009. More detailed information can be found in annex V. These increases have helped to boost workers' household income.

113. In order to enhance the purchasing power of the minimum wage for workers' households, in recent years the National Minimum Wage Council has recommended additional measures to the executive branch of government via the Higher Labour Council. These recommendations include: maintaining the current government subsidies for public transport, propane gas, and electricity and water consumption, as well as other supplementary measures such as free meals in public schools and provision of uniforms, shoes and school materials for primary education pupils; abolition of baccalaureate graduation fees; elimination of the "voluntary contribution" required in public health centres; health care at the Salvadoran Social Security Institute for workers up to six months after dismissal; and increased health-care benefits for workers' children up to the age of 12. In addition, the Institute's maternity subsidy was increased from 75 per cent to 100 per cent.

114. The present Administration has given priority to the establishment of a national minimum wage policy under the existing five-year plan in order to enforce the relevant legislation and rectify earlier errors in the review and establishment of minimum wages in a manner that caters to the interests of workers and employers alike.

#### **Article 7, subparagraph (a) (i)**

115. As to the principle of equal pay for equal work, the Ministry of Labour and Social Security has established a special unit for gender matters and for the prevention of discrimination in the labour market. It conducts gender-focused inspections and ensures equal conditions in the workplace. It also makes sure that wages are fair in the light of the types of work performed by men and women workers, that there is no discrimination between men and women workers based on sex or with regard to freedom of association or HIV/AIDS status. In addition, it makes sure that women are not required to undergo pregnancy tests before beginning a job or during their employment. The inspection handbook used by labour inspectors instructs inspectors to check that employers are meeting their obligation to provide equal pay for equal work, in accordance with article 123 of the Labour Code. These initiatives notwithstanding, there are substantial differences between men's and women's wages, as indicated in paragraph 52 of this report.

116. The strategy outlined in the Government's plan for 2010–2014 calls for the promotion of changes in the way that State institutions go about developing their policies with a view to mainstreaming a new approach that will afford equality of opportunity and ensure decent treatment for women based on gender equity, the promotion of a policy offering women greater access to employment with equal pay, equality of opportunity for girls and women, access to quality public services in marginal and rural areas, and machinery to reinforce the investigation and punishment of gender-based violence.

117. The programmes being carried forward by the Office of the President include the Universal Social Protection System and, within that scheme, the Urban and Rural Communities Solidarity Programme, which in turn comprises the Temporary Income Support Programme, the majority of whose beneficiaries are women heads of household.

118. The AECID-Ministry of Labour and Social Security vocational training programme in the Gulf of Fonseca region has promoted the decentralization of public employment services. Its activities are centred on five cross-cutting issues, with the main one being equal opportunities for women and men in the workplace. In this connection, two teaching/learning manuals have been prepared to promote equality in working conditions.

**Article 7, subparagraph (a) (ii)**

119. If decent conditions are to be established for male and female workers and their families, specifically in connection with the ratification of the International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156), cultural changes need to be brought about in order to mainstream a gender perspective into society and all the groups within it — supervisors, workers, employers, etc. — so that they will be aware of the needs of workers' households and the demands on their time that they make. This, in turn, calls for mechanisms that will make it possible to reconcile the demands of the workplace and of workers' families.

120. A comprehensive programme for women workers seeks to raise awareness about women's human rights, with emphasis on labour-related human rights, under national and international law<sup>31</sup> in order to help provide equal opportunities for men and women through the elimination of gender-based discrimination.

121. Information about the nature of women's rights within the household are also disseminated in order to help improve conditions for women heads of household, both as individuals and within the family, while also promoting greater efficiency and productivity. Satisfactory conditions for women in the area of health, safety and hygiene in the workplace, healthy lifestyles and leisure spaces for working women and their minor and adolescent children are also being promoted through outreach activities aimed at improving their mental health and recognizing their potential. This programme has benefited a total of 600 female workers engaged as industrial machine operators, supervisors and human resource managers in the *maquila* sector of the international free zone and the San Marco free zone, which employ some 2,000 women.

122. In its efforts to guarantee human rights, the special unit of the Ministry of Labour and Social Security responsible for gender issues and the prevention of discrimination in the workplace also seeks to prevent and eliminate sexual harassment in the workplace. This unit develops ongoing advisory programmes to help prevent unjustified dismissals and review in-house regulations on a regular basis in order to make sure that they do not include any provisions that discriminate against female workers. It also sets up programmes for the dissemination of information on labour rights and obligations on an ongoing basis and draws up and distributes handbooks on workers' rights and obligations in an effort to foster improved compliance with labour rights among this substantial sector of the population.

123. Sexual harassment is categorized as an offence in article 165 of the Criminal Code, no matter where such conduct takes place, and sexual harassment based on the perpetrator's position of superiority is considered an aggravating circumstance.

124. Cases of sexual harassment that are brought to the attention of the Ministry of Labour and Social Security are referred to the special unit for gender issues and the prevention of discrimination in the workplace. Cases of this kind are brought to light either via complaints or through inspections. One such complaint was received in 2007, six in 2008, nine in 2009 and five between January and July 2010.

<sup>31</sup> Including the Labour Code, ILO conventions and the Convention on the Elimination of All Forms of Discrimination against Women.



125. The efforts of the Ministry of Education to ensure compliance with international commitments and the National Policy on Women include coordination between the Ministry and the support service for women victims of gender-based violence in the provision of guidance and psychological care for young victims of harassment, abuse and sexual violence at school. In 2009, 50 cases were handled, 7 of them leading to trial and conviction.

126. In order to deal with harassment, sexual abuse and other forms of gender-based violence in educational communities, an inter-agency network of 22 civil society organizations has been set up as part of the Strategic Plan 2010–2014. It comprises three lines of action: awareness-raising and training; knowledge management; and public involvement in law enforcement.

127. Under the Strategic Plan and with the support of the institutions belonging to the network, a number of publications have been prepared and issued, including an informational document on the Teaching Profession Act and the 2008 reforms, a handbook providing step-by-step instructions on how to report cases of sexual harassment and/or abuse, a manual on male attitudes and a series of publications on the prevention of gender-based violence. In addition, campaigns have been conducted on subjects such as “growing up without fear”, “use of the six senses”, “prevention of human trafficking”, “you and I live different lives” and “prevention of sexual harassment and abuse” through the Road to the Arts Project, which provides schools with materials for use in building awareness about these matters through drama, mime and songs. The project also sets up letter-boxes to facilitate the reporting of cases of violence.

128. With regard to the Committee’s recommendation that the State party ensure that labour inspections are carried out regularly in places of work, especially in the *maquiladoras* (E/C.12/SLV/CO/2, para. 32), the Directorate-General of Labour Inspections of the Ministry of Labour and Social Security maintains a standing plan of programmed inspections in workplaces in free-trade zones and *maquilas*. The inspections plan is executed by a special team of men and women labour inspectors trained in matters relating to gender equality and the investigation of cases of discrimination in labour affairs on grounds of pregnancy, HIV status or union membership. Since 2005, the team has been known as the Special Unit for Gender Issues and the Prevention of Labour Discrimination. In 2009, the Unit was strengthened by the addition of 9 extra men and women labour inspectors, for a total of 20 staff members who are directly involved in carrying out inspections in *maquila* textile enterprises.

129. Visits to each *maquila* for the purpose of determining compliance with labour legislation are carried out approximately every three months, on average, but there are plans to increase the frequency of those inspections in order to supervise this sector more closely.

130. The Directorate-General for Labour Inspections has been reinforced in the last 5 years through a gradual increase in the number of officials, with the number of labour inspectors rising from 64 in 2005 (40,443 workers per inspector) to 208 labour inspectors in 2010 (11,294 workers per inspector).<sup>32</sup> This attests to the growing importance that the State of El Salvador is placing on monitoring compliance with the labour regulations governing the working conditions of men and women in all economic sectors, but especially in the *maquila* textile sector.

131. Meanwhile, mechanisms for receiving complaints or reports from workers have been improved, and people can now report possible violations of labour and social security regulations by telephone or e-mail. In addition, the Labour Advisory Unit has been created

<sup>32</sup> The figure supplied by the Ministry of Labour is based on an active population of 2,349,050.

in the Ministry of Labour and Social Security. In addition, reports are received from trade unions and non-governmental organizations such as the José Cañas Human Rights Institute of the Central American University; following the assessment of these reports, the corresponding inspections are conducted.

132. A total of 30,186 unscheduled inspections were carried out at the request of workers between 2005 to 2010. The procedure to be followed in such cases is laid down in articles 41 to 54 of the Act on the Organization and Functions of the Labour and Social Security Sector.<sup>33</sup>

#### **Article 7, subparagraph (b)**

133. As for guaranteeing safety and health conditions in the workplace, on 21 January 2010 approval was given to the General Act on Workplace Hazard Prevention,<sup>34</sup> which gives effect to the constitutional precepts and the international obligations assumed by the State of El Salvador, characterized for the most part by the following innovations: it applies in the private and public sectors alike; covers occupational health and safety in the workplace; guarantees the participation of trade unions and women in workplace health committees; includes a cross-cutting gender perspective; provides comprehensive physical and psychological health protection for male and female workers; promotes social dialogue in the workplace between employers and workers of either sex; and, as a mechanism for the formulation and implementation of occupational health and safety plans in the workplace, embraces the various relevant laws.

134. Other measures have been adopted in order to reinforce the Ministry of Labour and Social Security personnel responsible for ensuring workplace safety and health. They include the signing of agreements with national universities and Madrid Polytechnic University for the award of master's degrees in labour hazard prevention. Likewise, under the agreement between the Dr. José Matías Delgado University and the Ministry of Labour and Social Security, as of January 2007 six diploma courses in workplace health and medicine have been run, permitting the upgrading of the technical qualifications of 300 participants (workplace safety and health technicians at the State, public sector and private levels); and a specialist programme on workplace safety and health carried out between April and September 2007 gave further training in comprehensive techniques for prevention of work-related accidents and illness.

135. Starting in February 2008, pursuant to the Declaration and Plan of Action of the Fourth Summit of the Americas, efforts have been devoted to formulating the Local Strategic Alliance, combining efforts being made in the health, labour, environment and education sectors, with the shared aim of becoming one of the alternatives for improving the national health and social security situation of male and female workers and healthy working environments through implementation of coordinated strategic lines of action. Within this framework, and pursuant to the National Workplace Health and Safety Policy, an inter-institutional coordination system is being set up to improve worker health protection levels, covering priority areas such as strengthening of occupational safety and health inspection, promotion and training, and devising indicators of industrial accident levels.

<sup>33</sup> Available at [www.asamblea.gob.sv/parlamento/indice-legislativo/buscador-de-documentos-legislativo/ley-de-organizacion-y-funciones-del-sector-trabajo-y-prevision-social](http://www.asamblea.gob.sv/parlamento/indice-legislativo/buscador-de-documentos-legislativo/ley-de-organizacion-y-funciones-del-sector-trabajo-y-prevision-social).

<sup>34</sup> Legislative Decree No. 254, published in *Diario Oficial* No. 82, volume 387, of 5 May 2010. Available at [www.asamblea.gob.sv/parlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-general-de-prevencion-de-riesgo-en-lugares-de-trabajo/](http://www.asamblea.gob.sv/parlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-general-de-prevencion-de-riesgo-en-lugares-de-trabajo/).



**Article 7, paragraph (c)**

136. Article 3 of the Constitution provides that all persons are equal before the law. On the basis of this constitutional principle it may be affirmed that the only criteria for admission to and advancement in employment should be physical and intellectual achievements.

137. This principle is recognized in the Labour Code, article 30 (2) of which prohibits employers from "... demanding or accepting favours from workers for employing them or securing any privilege or concession relating to working conditions".

138. The procedures for promotion of public service employees are laid down in the Civil Service Act, chapter VI (more specifically articles. 33–35) of which deals with promotions, secondments and transfers.<sup>35</sup>

139. Similarly, municipal employees are covered by the Municipal Administration Employment Act which lays down the procedures for promotions in title 4, chapter I (on accessing and continuing employment in the public administration), articles 26–31.<sup>36</sup>

**Article 7, paragraph (d)**

140. In its provisions on working conditions the Labour Code states that the actual length of the ordinary working day shall not exceed 8 hours, or 6 hours of night work; that the working week shall not exceed 44 hours, 39 hours of night work; that all work found to exceed ordinary daily hours shall be treated as overtime, remuneration for which shall include a surcharge of 100 per cent of the basic wage (arts. 161–169). If the overtime is performed at night, the surcharge shall be not less than 25 per cent of the basic wage for each such hour worked (art. 168).

141. On the subject of paid rest periods, article 173 of the Code stipulates that Sunday shall be the weekly rest day and shall be remunerated at the equivalent of the basic wage (art. 174). Articles 190 and 192 specify the breaks to be remunerated at the basic rate; any overtime performed on a rest day shall be remunerated at the basic rate plus a 100 per cent surcharge.

142. Article 177 of the Code establishes entitlement to 15 days' holiday, to be remunerated at the basic rate plus 30 per cent. Public service employees are covered by the Act on Rest Days, Vacations and Leave For Public Sector Employees, article 1 of which specifies paid public holidays. The third paragraph of that article establishes an exception: drivers are not entitled to rest time but instead are entitled to 15 days' holiday per year. Public servants are entitled to three holiday periods per year (article 1 of the Act). Articles 5 and 6 specify the rest day entitlements of public service employees, while articles 7 to 12 designate the unpaid leave accorded to public servants.

**Article 8****Article 8, paragraph 1 (a)**

143. Chapter XI of the Civil Service Act is concerned with collective labour rights; article 73 recognizes the right of public servants to belong to trade unions for the defence of their interests.

<sup>35</sup> Available at [www.asamblea.gob.gv/parlamento/indice-legislativo-buscador-de-documentos-legislativos/ley-de-servicio-civil](http://www.asamblea.gob.gv/parlamento/indice-legislativo-buscador-de-documentos-legislativos/ley-de-servicio-civil).

<sup>36</sup> Available at [www.asamblea.gob.gv/parlamento/indice-legislativo-buscador-de-documentos-legislativos/ley-de-la-carrera-administrativa-municipal/](http://www.asamblea.gob.gv/parlamento/indice-legislativo-buscador-de-documentos-legislativos/ley-de-la-carrera-administrativa-municipal/).

144. For the formation of a union a minimum of 35 public servants, all working in the same institution of public administration (Civil Service Act, art. 76) and a founding instrument (as formal confirmation of the constitution of the union) are necessary. The latter must contain relevant information such as the date and place of the inaugural meeting, the full names of all the founders, their nationalities, ID numbers and addresses, the work they are performing and by which they are connected, the name and address of the union, the types of work performed by the workers in the institution concerned and the appointment of a provisional management committee, which must include a president, a vice-president and a secretary. It must be signed by each of the founders and proxy signatories (Civil Service Act, art. 78).

145. The founding instrument must be certified and submitted to the Ministry of Labour and Social Security (for purposes of recognition of legal personality) together with two copies of the statutes of the union and certification of the record of proceedings of the meeting or meetings at which the documents in question were adopted. In addition, to expedite the registration process, the public servants concerned must provide, together with the application, proof of the founders' employee status. In default of such proof, the Ministry of Labour and Social Security shall verify their status by whatever means it considers appropriate within the 10 working days following submission of the application; if verification is not completed within that period, the application shall be deemed to have been accepted. If the Ministry has no observations to make, it will immediately place the union on the appropriate register; the union will thus be accorded legal personality and will be required submit its duly recorded statutes.

146. The substantive conditions to be observed by private workers and employers alike in order to form professional associations or trade unions may be found starting at article 204 of the Labour Code, which sets at 14 years the age at which a worker may join or participate in the formation of a trade union; a worker must have reached the age of majority (18 years) to be a member of the governing board; the same goes for the formation of employers' unions: the employer must be an adult: that is, at least 18 years of age. According to article 211 of the Labour Code, the minimum number of members required for the constitution or formation of a workers' union is 35, while article 212 establishes 7 as the minimum number for the constitution or formation of an employers' union.

147. The formal conditions to be observed for the constitution of organizations of public sector workers are the same as those for the private sector.

#### **Article 8, paragraph 1 (b)**

148. The ILO Freedom of Association and Protection of the Right to Organize Convention (No. 87) of 1948 establishes in its article 5 the right to form federations or confederations and to join international workers' or employers' organizations. El Salvador, as a State party to the aforementioned Convention, recognizes that there is no legal restriction whatsoever to the exercise of that right; although the Labour Code in force contains no regulation of membership of international organizations, in the event of conflict with secondary norms the provisions of that Convention prevail.

#### **Article 8, paragraph 1 (c)**

149. Regarding the existence of any type of restriction on the exercise of workers' right to form and join unions, article 47, paragraph 2, of the Constitution of the Republic establishes a restriction on that right for the Armed Forces, National Civil Police, members of the Administration and the public service with decision-making powers or management responsibilities, and employees whose duties are highly confidential.



150. The right to form and join trade unions is also restricted in the Public Legal Service, for officials of the institutions of which it is composed and their respective assistants and auxiliary agents, auxiliary employment brokers and delegates. Article 73 (2) of the Civil Service Act also places restrictions of the trade union rights of the officials referred to in articles 219 and 236 of the Constitution.

151. Still on the subject of restrictions, an employee in a position of trust may not be a founding member of a trade union; however, such an employee may join an already formed union, with prior authorization of the Board of Directors, but may not sit on the union's management bodies.

152. In order to guarantee freedom of association, the National Department of Social Organizations of the Ministry of Labour and Social Security is responsible for according legal personality, keeping a register of recognized organizations and accrediting its managerial personnel. It also gives advice and guidance, on request, on the creation of an occupational association, helps with the form of documents and is in attendance at constituent assemblies. In 2007, in coordination with the *Cumple y Gana* (Achieve and Earn) project, it produced a guide to departmental procedures which was distributed to all existing social organizations. In that connection, it accelerated the process of granting legal personality to occupational organizations, reducing the deadline within which the Ministry of Labour and Social Security is required to issue the decision, provided that the legal requirements for the purpose have been complied with in all cases.

153. With regard to the legal framework, steps are being taken to ensure practical implementation of ILO conventions Nos. 87, 98, 135 and 151 together with the amendment of article 47 of the Constitution and reforms concerning the right of occupational association of public and municipal employees in the Civil Service Act, which enabled the Ministry to grant legal personality to trade unions in the private and public sectors. From 2005 up to July 2010, 137 unions were constituted in the private sector, 128 of them are active and 7 dormant. During the same period, 49 unions were founded in the public sector, all of them still active. Legal personality was also granted to 11 federations and one confederation.

154. Beginning on 1 June 2009 and up to July 2010, 75 new unions in the public and private sectors were constituted and registered, while the Ministry on its own initiative reversed decisions refusing legal personality to certain unions. The unions concerned are now legally registered.

155. To guarantee trade union independence, ILO Convention No. 87 and the Labour Code lay down a set of rules ensuring that independence and serving as a control and oversight mechanism for the members vis-à-vis the union. Article 229 of the Labour Code stipulates that the purpose of a union is the defence of its members' interests and that its functions, authority and powers shall be determined by its statutes. It may therefore be concluded that the union pursues not the satisfaction of the personal interests of its officers or some of its members, but those of the entire membership; consequently, a union must maintain its independence from political parties. Paragraph 2 of the same article prohibits unions from becoming involved in religious disputes, without, however, restricting the individual freedom of its members; they are likewise prohibited from paying out dividends or distributing union assets, restricting the freedom of non-member workers, and coercing non-members to join.

156. Paragraphs 4 and 5 of article 30, for their part, prohibit employers from pressuring workers in connection with the right of association, engaging in any act of direct or indirect discrimination against workers or taking reprisals against them on grounds of their status as union members. The Criminal Code, for its part, defines the offence of coercion (art. 153)

and establishes the offence of coercion with regard to the exercise of freedom of association or the right to strike or stoppage.

157. Another method of ensuring democratic governance in a union is the provision that, as stated in article 220 of the Labour Code, the general assembly is the supreme authority and can be convened only by agreement of one half of the members plus one. Elections and approval of the reports and accounts which the management committee is required to submit must be by secret ballot; in all other cases voting is public.

158. On the subject of bargaining mechanisms, article 480 *et seq.* establish procedures for handling collective disputes concerning matters of money or interests and lay down the steps in the procedure: joint negotiation, conciliation, arbitration, strike or stoppage.<sup>37</sup>

#### **Article 8, paragraph 1 (d)**

159. On the subject of removal of administrative obstacles to the exercise of the right to strike (E/C.12/SLV/CO/2, para. 31), since 2004 a number of amendments to the Labour Code have been in force, introduced by Legislative Decree No. 859 of 21 April 2004, designed to guarantee and regulate the right to strike. In particular, article 551 now states that: "A strike is presumed to be legal unless and until, at the request of either party, it is declared illegal." This means that there is a presumption of legality so long as a judge has not issued a declaration of illegality, which must be applied for.

160. While there are a number of procedures concerning the right to strike regulated by the Labour Code, the Ministry plans a study of the legislation with a view to making a proposal for amendments to the Code to bring national legislation into line with ILO standards.

161. On the subject of restrictions on the right to strike in the public and private sector, article 534 of the Labour Code specifies that: "A strike must be confined to peaceful stoppage of work and walking out of the workplace. Consequently, all types of acts of violence or coercion directed against individuals and attacks on objects during a strike are prohibited". The right to strike is also restricted (art. 555) "if it affects a service essential to the community provided directly by the State or a decentralized body, or it is clearly pursuing objectives other than those mentioned in article 528".

162. The essential services in which strikes may be prohibited are defined in article 515 of the Code as follows: "Essential services are those an interruption of which will endanger or threaten the lives, safety, health or normal living conditions of all or part of the population."

163. In practice the right to strike or stoppage is restricted, as the steps laid down in the Labour Code are not followed, with the result that strikes inevitably have to be declared illegal.

#### **Article 9**

164. In El Salvador social security coverage extends to the economically active and their beneficiaries (active contributors, pensioners, spouses, partners and children). Children up to the age of 12 are covered by the health system, while the system which provides invalidity, old-age and survivors' pensions protects them up to 21 years of age.

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<sup>37</sup> Available on [www.asamblea.gob.sv/parlamento/indice-legislativo/buscador-de-documentos-legislativo/codigo-de-trabajo/](http://www.asamblea.gob.sv/parlamento/indice-legislativo/buscador-de-documentos-legislativo/codigo-de-trabajo/).



165. The social security system referred to in the previous paragraph is the responsibility of the Salvadoran Social Security Institute (ISSS), a public-law entity governed by the Social Security Act<sup>38</sup> and the Regulations for the Implementation of the Social Security System. ISSS has reported that in May 2010 there were 1.44 million insured persons in the scheme (684,000 contributors, 632,000 beneficiaries and 126,000 pensioners).<sup>39</sup>

166. ISSS services include primary health care, clinical and surgical preventive and assistance measures, health care for women, development of programmes to deal with HIV/AIDS and tuberculosis, cash benefits for pensioners and disabled persons and maternity and funeral grants.

167. Regarding the introduction of the Universal Social Protection System, ISSS is working on an agreement with the Ministry of Health and Social Welfare to strengthen provision of the services of the public network, particularly emergency care, standardization of preventive programmes, joint procurement of medicines, and design of a single strategic health information system.

168. In pursuance of the El Salvador Social Security Act concerning cash benefits in the event of invalidity, the amount payable, the rules governing eligibility and the duration of payment are established in the regulations and take into account the decline in working capacity, and the rehabilitation process.<sup>40</sup> The amount of and eligibility for old-age cash benefits and the regulations concerning other benefits are fixed under the relevant regulations in force in ISSS regime.<sup>41</sup>

169. In the event of an insured person's or a pensioner's death, ISSS pays a single grant for burial expenses to the deceased person's relatives or the person who has paid for the funeral. The death of an insured person or pensioner will also create an entitlement to a survivors' pension payable to his or her financially dependants. The rules governing award of these pensions, the conditions for entitlement, the calculation and determination of the amount and the details of payment are laid down in the relevant regulations.<sup>42</sup>

170. By Legislative Decree No. 927 of 20 December 1996 the Legislative Assembly approved the Pension Savings Scheme (SAP) Act, which was designed to create a pensions savings scheme based on individual capitalization for workers in the private, public and municipal sectors. The scheme came into operation on 15 April 1998. It is administered by pension fund administrators under a system of individual capitalization and superseded the earlier system administered by ISSS and the National Civil Service Pensions Institute (INPEP), which was a distributive system.

171. The Office of the Superintendent of Pensions is responsible for regulating, monitoring and verifying compliance with the legal provisions applicable to the scheme. It consists of a superintendent, the institution's supreme authority, a pension savings scheme administrator, who coordinates oversight of the individual capitalization system, and a public pensions system administrator responsible for coordinating the activities of the distributive scheme. There are other supporting bodies which contribute to the proper functioning of the institution (see Organic Act on the Office of the Superintendent of Pensions, Decree No. 926, published in the *Diario Oficial*, No. 243,

<sup>38</sup> Legislative Decree No. 1263 of 3 December 1953, published in *Diario Oficial*, No. 226, Vol. 161, on 11 December 1953. Available on [www.asamblea.gob.sv/parlamento/indice-legislativo/buscadordedocumentos-legislativo/ley-del-seguro-social/](http://www.asamblea.gob.sv/parlamento/indice-legislativo/buscadordedocumentos-legislativo/ley-del-seguro-social/).

<sup>39</sup> First ISSS Performance Report on the Salvadoran Population, May 2010, p. 2.

<sup>40</sup> Social Security Act, section 4 (Invalidity Benefits), art. 62.

<sup>41</sup> *Ibid.*, art. 65.

<sup>42</sup> *Ibid.*, arts. 66 and 67.

Vol. 333, 23 December 1996). Trends in the principal variables in the pension savings scheme and the public pensions system may be found at annex VI.

172. Articles 145, 209 and 225 of the Pensions Savings Scheme Act define the methods of determining minimum old-age and invalidity pensions in the current scheme and the transitional scheme known as the public pension scheme. Table 5 in annex I shows that during the period from 2005 to June 2010 the amount of the minimum old-age pension increased from \$114.00 to \$143.64 and the minimum invalidity pension from \$79.80 to \$100.55.

173. Hitherto three adjustments in the amounts of the pensions paid by the transitional public pension scheme have been authorized, respectively in 2004, 2007 and 2009. In accordance with the terms of articles 210 and 145 (a) of the Pensions Savings Scheme Act, the most recent adjustment is still in force (June 2010); the actual amounts payable are shown in table 6 of annex I. In both the fixing of minimum amounts and adjustments, account is taken, *inter alia*, of the resources available to the central Government.

174. Under the Pensions Savings Scheme Act, on completion of a minimum period (continuous or interrupted) of 25 years' contributions a woman is entitled to a pension at age 55 and a man at age 60. The contribution rates in percentage terms are the same for men and women; article 16 of the Pensions Savings Scheme Act stipulates that the rate of contributions may not exceed 13 per cent of contribution earnings. Contributions are allocated as follows: (a) 10 per cent of contribution earnings is paid (6.75 per cent by the employer, 3.25 per cent by the worker) into an individual savings account to provide a pension for the insured person; (b) a maximum of 3 per cent of contribution earnings is payable to cover the invalidity and survivors' insurance policy established by the Act, and the institution's administration of the individual pension savings accounts — this percentage is payable by the worker. The amounts of pensions vary with earnings, thus reflecting to some extent existing Salvadoran labour market conditions with regard to inequalities.

175. In order to tackle inequalities, during the period 2005–2009 the Administration brought into effect the Solidarity Network Programme, designed to break the vicious cycle of transmission of poverty from generation to generation by improving the health, nutrition and education of the most vulnerable families, who were identified at two target levels: (a) at the national level by the preparation of the National Extreme Poverty Map (Latin American Social Sciences Faculty/Social Investment for Local Development Fund 2005), which led to the decision to focus investment on the 32 municipalities with “severe” extreme poverty and the 68 municipalities with “high” extreme poverty, and (b) at the municipal level by the creation of a mechanism to focus on development conditions by family.

176. In 2009, when the present Administration took office, the underlying principles and the programme's main purpose were reconsidered and it was redefined as the Rural Community Solidarity Programme. Its principal aims are:<sup>43</sup>

(a) Increased supply of nutrition, education and health services through greater access and better quality in order to increase human capital (including demand-side measures such as vouchers for families assuming joint responsibility in the education and health fields);

(b) Payment of the universal basic pension to all adults over 70 years of age;

<sup>43</sup> Taken from the Five-Year Development Plan 2010–2014.



- (c) Improvement of basic social and community infrastructure (housing measures through the floor and roof programme);
- (d) Training and incentives to improve income generation and skills;
- (e) Other complementary measures.

177. The Rural Community Solidarity Programme entails strengthening agricultural production through the integrated support programme for small-scale agricultural settlements. The importance of this aspect is apparent when one remembers that there are severe structural imbalances in the country which make it difficult to establish satisfactory linkages between certain sectors of production and the market and society.

178. During the period from 2005 to June 2010, health vouchers were given to 42,721 children aged 5 or under and pregnant women living in the targeted municipalities. These consisted of a payment of \$30 every 2 months to each family with children under age 5 and/or an expectant mother. Of the beneficiaries, 21,266 were boys and 20,599 girls. The condition for payment is that the children must be given a specific set of vaccinations and undergo preventive health-care checks. The conditions for payment to pregnant women are attendance at prenatal checks and compliance with a programme of neonatal vaccinations and health checks.

179. In coordination with the Ministry of Education, the programme has awarded education vouchers to at least 152,906 children (80,099 boys and 72,807 girls) between ages 5 and 18 who have not completed the sixth grade of basic education. The condition for award is that the families concerned must ensure regular school attendance with no more than three absences per month.

180. There are currently 99,141 active families in the Rural Community Solidarity Programme in the 100 municipalities in extreme poverty (32 severe, 68 high). The families of beneficiaries must also attend the life and production skills development courses in the programme. Expenditure in the form of grants up to the present time has amounted to \$53.2 million.

181. Regarding assistance pensions for persons over 70 years of age, the Office of the Superintendent of Pensions supports the Social Investment Fund for Local Development (FISDL) in establishing exchanges of information on the numbers of pensioners in ISSS and the national pensions institute for public sector employees on the basis of data compiled by FISDL on persons deemed to qualify for such pensions. The amounts are fixed by the Government under the Community Solidarity Programme.

182. There are also mutual aid funds (for groups such as lawyers and Ministry of Education employees) and protection funds in institutions such as the Central Bank, ISSS, SSF and the Social Housing Fund. These funds complement public plans but are separate from the Salvadoran social security system.

183. With regard to the Committee's observation concerning evaluation of the social security system adopted in 1998 and establishment of the mechanisms necessary to guarantee that social coverage extends to agricultural and domestic workers and persons who have not been covered, and to grant equal benefits to men and women (E/C.12/SLV/CO/2, para. 33), it must be remembered that the 1997 reform of the Salvadoran pensions system was designed to deal with an actuarial and financial problem caused by the rigidity of the defined-benefit systems and deriving from the automatic adjustment of the parameters guaranteeing observance of the principle of equivalence. The reform did not end the focus of the pensions scheme on the principles of social security, and in particular the solidarity principle; these principles do not require implementation exclusively through a single protection scheme. In El Salvador, in fact, some of these principles serve as benchmarks in programmes such as the Rural Community Solidarity

programme, which uses transfers of various kinds to reduce inequalities in incomes and in access to a range of services.

184. One example, as previously mentioned, is the basic pension scheme for adults over 70, designed for economically vulnerable older persons; the intention is to endow this programme with a rights-based focus in the near future. The same is true for agricultural and domestic workers, whom it is intended to incorporate in social security through semi-contributory programmes which have already been legally cleared, but requiring the development of secondary regulatory provisions to effectively integrate these labour sectors into the social welfare system.

185. Solidarity is a broad notion, and for persons not considered poor it consists in creating the conditions that prevent income loss or reduction when they reach old age. In effect, the reform of the Salvadoran pension system had not done away with solidarity, since, as in any reform, the State's material and legal resources have been reorganized to address the population's varying needs. It is important to note that the pension savings scheme addresses a specific collective problem that affects workers in the formal economy and that the Salvadoran State has resorted to other types of programme in order to cater to the particular needs of other groups with specific characteristics.

186. It is important, meanwhile, to note that the pensions schemes, consisting as they do of networks of protection against income loss or reduction, can regenerate inequalities in payments, a situation that must therefore be addressed from the point of view of existing disparities in the labour market.

187. Regarding the incorporation of domestic and agricultural workers in the Pension Savings Scheme (SAP), the Government's Five-Year Development Plan 2010–2014 states that: "Under the social security contributory system there are plans to revise the current health and pension regime because its coverage is limited and excludes sectors that are always left behind, female domestic workers, male and female agricultural workers and the informal sector." This can be interpreted as a manifestation of the commitment to tackle this issue.

188. In addition, since 2006 the Office of the Superintendent of Pensions has been working to achieve this integration: it has undertaken studies on the subject — including a technical basis for determining its financial cost, which would depend on the scope of the programme being devised — and a draft reform of the Pensions Savings Scheme Act in order to include workers in the domestic sector, since the Act did not originally make provision for the special conditions under which they would be incorporated. Accordingly, the Office of the Superintendent is conducting an internal review, which it would then submit for consideration by the Executive.

189. Regarding the incorporation of workers in sectors such as agriculture, domestic work and those not covered, the ISSS system already guarantees access to health for those sectors on a basis of gender equality. This measure will benefit 90 per cent of the women and 10 per cent of the men, who will enjoy access to all health services, as a social security benefit. The measure will provide all-risk health services and maternity benefits at 100 per cent of pay. ISSS has planned to register at least 25 per cent of workers (some 27,000 workers in the five-year period 2009–2014), with an average annual target of 5,468.

190. Regarding the Committee's recommendation that the State party take the necessary measures to establish effective mechanisms to guarantee that the minimum social security coverage allows pensioners and their families who are members of the previous social security system or the new one, to have a decent standard of living, the Government of El Salvador acknowledges that there is a close link with low wages in the Salvadoran labour market, as well as other socioeconomic characteristics of the country, such as its low level of formal employment and productivity.



191. The above notwithstanding, the State has an obligation to consider other measures that, one way or another, help to improve the situation; given that the current system of individual capitalizations is based on economic viability, it would be necessary to achieve effective diversification of investments, which can generate greater viability for members and, therefore, better pensions in future.

192. Steps are also being taken to strengthen inter-institutional mechanisms to monitor items such as adequate compliance by employers with the requirement to pay insurance contributions. To that end, the following measures have been taken: (1) in 2004, article 245 of the Criminal Code was amended to provide that wrongful appropriation of insurance contributions is an offence punishable by 2 to 4 years' imprisonment (Legislative Decree No. 131 of 18 September 2003, *Diario Oficial*, No. 11, Vol. 362, 19 January 2004); (2) articles 3, 17 and 31 of the Export Processing and Free Trade Zones Act have been amended to require, inter alia, submission to pension fund institutions of certificates of payment of contributions in the month before customs clearance of the products, inputs and components required for the activities encouraged by the Act, and imposing administrative sanctions for failure to comply, without prejudice to any civil or criminal liability arising; and (3) in early 2010 a Comprehensive Inter-Institutional Cooperation Agreement to protect the social security rights of male and female workers was concluded between the Ministry of Finance, Ministry of Labour and Social Security, ISSS and the Office of the Superintendent of Pensions. In addition, greater efforts are being made to promote a responsible insurance culture within which workers know their rights and obligations within the scheme so that they can address complaints to the Office of the Superintendent of Pensions or the Attorney-General's Office, which is working in a coordinated fashion on the recovery of insurance contributions so that at the end of their working lives workers affiliated to the scheme can obtain pensions and not just repayment of the balances in their pensions savings accounts.

193. It will also be necessary to study the advisability of adopting other related measures, provided that they are favourable for the majority of members of the system and contribute to larger pensions.

194. For its part, the Armed Forces Social Security Institute (IPSFA) caters to active and retired members of the armed forces. Under article 18 of the IPSFA Act, benefits paid out by the Institute are: (a) disability pensions; (b) retirement pensions; (c) survivors' pensions; (d) retirement fund; (e) life insurance; and (f) funeral allowance.

195. In order to improve its members' living conditions, IPSFA awards additional benefits such as personal loans, mortgage loans, education loans and access to leisure centres for healthy recreation with family members.

196. The Institute also develops rehabilitation programmes for incapacitated members in order to reintegrate them and offer moral, psychological and professional rehabilitation into working life in the country. It also offers support programmes, for which purpose it may hire the required specialized premises or services. This service is available to armed forces personnel whose special circumstances exempt them from Institute fees and to persons referred to specialized centres by institutions lacking such services. IPSFA also runs programmes for the elderly for its retired members in order to improve their standard of living and keep them healthy.

197. IPSFA is empowered to develop recreation programmes for its members and beneficiaries. With a view to continuous improvement of the services IPSFA offers to its members and retirees, on 20 July 2010 the Governing Council, through Resolution No. 267, authorized the establishment of the IPSFA Integrated Service Centre for Pensioners, the aim of which will be to coordinate the institution's current and future programmes for the elderly.

198. With effect from 2011 it will have to have an annual operating plan and a budget. To cover its activities up to the end of this year it will have to use the funds allocated to the programme for elderly adults.

199. The principal purpose of the regulations governing the IPSFA programme for elderly adults (established under article 58 (c) of the Act creating the Institute) is to govern its functioning, and also to lay down the guiding principles necessary for its implementation.

200. The aim of the programme is to improve the health, material, moral and spiritual aspects of the lives of pensioners and, wherever possible, of their families. Priority is given to geriatric care, the prevention of sickness and the preservation of mental health; participative activities in the cultural, educational, recreational and occupational therapy spheres are programmed. To improve the conduct of these activities the Institute may coordinate them and establish relations and exchanges of experiences and information with other similar bodies.

## Article 10

### Article 10, paragraph 1

201. The Constitution accords special protection to the family. Chapter II (Social Rights) establishes in its first section that the legal basis of the family is marriage and that it rests on the principle of equality of the spouses in law. It also states that the personal and financial relations between the spouses and between spouses and their children shall be regulated by law, which shall establish their reciprocal rights and duties on an equitable basis.

202. In pursuance of the foregoing, the Family Code provides that marriage is constituted and perpetuated by the free and mutual consent of those contracting it. It also specifies illegal forms of contracting marriage, particularly for the protection of minors; for instance, it does not accept the possibility of contracting forced marriage. Lastly, although the State is required to promote marriage, the absence of a marriage does not affect enjoyment of family rights. Thus the State recognizes, respects and regulates non-matrimonial unions and accords legal security to both men and women.

203. There are also binding international instruments that provide for women's welfare. They include the Convention on the Elimination of All Forms of Discrimination against Women, article 16 (b) of which stipulates that States parties shall establish for men and women the same right freely to choose a spouse and to enter into marriage only with their free and full consent. ISDEMU has endeavoured to publicize this Convention, considering it of vital importance that women should be aware of their rights, by means including workshops and campaigns targeting various sectors of the population, with the support of civil society and the Office of the Human Rights Advocate.

204. Also important are institutional efforts to prevent the offence of forced marriages<sup>44</sup> for purposes of trafficking, through joint machinery such as the National Committee against Trafficking in Human Beings, comprising 22 governmental and non-governmental bodies, including the Ministry of Education and ISDEMU. One of the things the Committee has done is codify the offence of trafficking in human beings, including forced marriage.

205. Care for children is dealt with in the Child and Adolescent Protection Act, which is intended to guarantee the exercise and enjoyment of the rights of the child, including care,

<sup>44</sup> Criminalized under art. 367-B of the Criminal Code.



while paying special attention to children with disabilities. Older persons are covered by the Integrated Services for Older Persons Act, which was last revised in 2002. In both cases, the Family Code also includes them in Book V, in which their rights and obligations are set forth.

206. Minors and older persons are covered by current laws that guarantee their rights and take them into account in the lines of action of the Five-Year Development Plan 2010–2014, specifically in the Universal Social Protection System and the Strategic Social Policies aimed at finding solutions to social problems.

#### **Article 10, paragraph 2**

207. In El Salvador maternity protection through a social security scheme for women workers engaged in non-typical types of employment is a subject awaiting consideration. Articles 71–74 of the Labour Code regulate home work but do not specifically mention benefits for pregnant women workers or an obligation on employers to insure their women workers with the social security scheme.

208. Articles 76–83 of the Code regulate domestic work but make no mention, although the majority of domestic workers are women, of protection of pregnant women and impose no obligation on employers to insure women domestic employees with the social security scheme. Nevertheless, in order to make progress in this area, efforts are being made to introduce protection for women domestic workers into the social security system; in April 2010 a programme permitting coverage of women domestic workers by the health and maternity branches of social security was announced, but the decision whether or not to include women domestic workers in the social security scheme was left to employers.

209. Work in agriculture and fisheries — i.e. all forms of labour in agriculture, stock-rearing and other activities closely related to either — is regulated by articles 84–102 of the Labour Code. As with the two schemes mentioned above, these articles leave protection for pregnant women workers outside the social insurance scheme.

210. Women employed in the three above-mentioned types of casual work, like women employed in the informal sector, do not form part of the cohort of workers protected by a social insurance scheme during maternity. Women engaged in non-typical work should be included in the national public health system for purposes of maternity protection.

211. Regarding the system of maternity protection for women employed in the public and private sectors, El Salvador offers a legal protection framework deriving from the Constitution itself, article 42 of which stipulates that women workers are entitled to leave with pay before and after childbirth and to have their jobs kept open for them. For its part, the Labour Code, in Book Three (Social Insurance and Security), Title I (Immediate Benefits to be Provided by the Employer), chapter II (Maternity Benefits), specifying the statutory maternity benefits, requires an employer to grant a woman worker 12 weeks' maternity leave, 6 of which must be taken after giving birth, and to pay her in advance a benefit equivalent to 100 per cent of the basic wage during maternity leave.

212. If the mother contracts an illness resulting from the pregnancy, she is to be granted additional prenatal leave (Labour Code, art. 309). The woman also has the right not to be assigned work requiring physical efforts incompatible with pregnancy.

213. A woman is entitled to a break of up to one hour daily to breastfeed her child; at her request the break may be divided into two 30-minute breaks. Breastfeeding breaks count as paid working hours.

214. The social insurance scheme fixes the benefits and services to be provided in the event of maternity. These include the medical, surgical, dental, hospital and laboratory services needed during pregnancy, childbirth and the immediate post-natal period and when

an illness deriving from maternity is contracted. Support for breastfeeding is also given when the mother, according to a medical decision by ISSS, is unable to feed her child; it is given in kind, in amounts and of a quality determined by the ISSS doctors, for a period of 12 weeks. A maternity kit containing clothing and utensils for the newborn infant is also provided.

215. The Labour Code establishes legal protection for pregnant women, providing that between the beginning of pregnancy and the end of the post-natal rest period de facto dismissal or dismissal with notice shall not terminate the contract.

216. The Labour Code does not contain any provision regulating paternity leave or parental leave for either the man or the woman. However, both may be granted under the terms of the ILO Workers with Family Responsibilities Convention (No. 156), since the Constitution gives treaties precedence in the event of conflict with the law.

### **Article 10, paragraph 3**

217. El Salvador has fixed the minimum age for admission to employment at 14 years. It boasts a legal system that buttresses protection of child workers, comprising the Constitution of the Republic (arts. 9 and 38 (10)), the Labour Code (arts. 13, 104, 105, 114, 115, 117 and 376), the Criminal Code (arts. 362 and 367 B and C), the Child and Adolescent Protection Act (arts. 41 and 56–61).

218. The following are some of the international instruments ratified by El Salvador:

(a) ILO Conventions: the Worst Forms of Child Labour Convention (No. 182) of 1999 (art. 3); the Minimum Age Convention (No. 138) of 1973 (art. 2); the Medical Examination of Young Persons (Industry) Convention (No. 77) of 1946 (arts. 1–3); the Medical Examination of Young Persons (Non-Industrial Occupations) Convention (No. 78) of 1946 (arts. 1–5); the Forced Labour Convention (No. 29) of 1930; and the Abolition of Forced Labour Convention (No. 105) of 1957 (arts. 1 and 2);

(b) The Convention on the Rights of the Child (art. 32);

(c) The International Covenant on Civil and Political Rights (art. 8).

219. In execution of the long-term programmes and with ILO financial and technical support through its International Programme on the Elimination of Child Labour (IPEC), between 2005 and June 2010 the Government of El Salvador conducted three studies on the following child labour issues: (a) understanding child labour in El Salvador, 2005; (b) child labour conditions and environment in the fishing industry in El Salvador, 2007; and (c) child labour conditions and environment in sugar-cane cultivation in El Salvador, 2007.

220. Also, in order to fulfil the international obligations deriving from ILO Convention No. 182, a collegiate body known as the National Committee on the Elimination of the Worst Forms of Child Labour has been set up. It comprises representatives of various government institutions and of employers, workers and civil society.

221. This National Committee's functions include proposing directives and guidelines for the formulation of plans, programmes and projects to eliminate child labour; measures taken in this connection include the National Plan for the Elimination of the Worst Forms of Child Labour 2006–2009 and the road map to make El Salvador a country free of child labour, including its worst forms, a strategy adopted on 7 December 2009.

222. This road map is defined as the national strategy framework for achieving the goals set out in the Decent Work Agenda for the Hemisphere : (1) eliminate the worst forms of child labour entirely by 2015; and (2) eliminate child labour completely by 2020 and lay the foundations for strategic planning and coordination between the different public policies



and supporting actions that directly or indirectly help to prevent and eliminate child labour and oppose its worst forms, and protect working adolescents.

223. The strategic plan proposed by the road map covers six areas: the fight against poverty; education and health; a regulatory and institutional framework; awareness-raising and social mobilization; generation of knowledge and follow-up on the sundry objectives, results, indicators and targets and the basic strategies adopted to attain them. By and large, the target is by the year 2020 to have eliminated participation by children and adolescents aged between 5 and 17 in labour activities prejudicial to their educational, physical and mental health, while offering greater safeguards of all their rights, especially those concerning protection, health and education, as enshrined in the Constitution and national legislation.

224. The country is now following the road map and fulfilling the commitments contained therein, with backing from a number of governmental, municipal, workers' and employers' institutions.

225. Various other direct action programmes have been implemented for the elimination of child labour in the following sectors: sugar cane, fisheries and market work, starting in October 2006 and ending in December 2009. They were carried out in the municipalities of Tecoluca, Apastepeque, Santa María Ostuma, Berlín, Concepción Batres, El Tránsito, Sonsonate, La Unión, Conchagua, Acajutla, Cuisnahuat, Jiquilisco, Ilobasco, Verapaz and Estero de Jaltepeque.

226. These actions have benefited 13,012 children and adolescents. Of these, 3,489 have been removed from child labour situations and a further 9,253 were stopped from involvement in activities that would hamper their full development. In addition, in order to support children and adolescents and pay them greater attention, the Ministry of Labour and Social Security conducts inspections of the work done by children and adolescents across the country in rural and urban areas alike through its various regional and municipal offices.

227. Regarding monitoring of the rights of working children and adolescents, the Ministry made 4,810 scheduled inspections between August and December 2008; such inspections contain a special segment on child labour and are carried out in different areas of the Republic, thereby ensuring greater vigilance and government visibility in places not yet visited.

228. In 2009, 14,370 scheduled inspections took place throughout the country and 86 discussions were organized on prevention and awareness promotion on the subject of child labour in national and international legislation. In addition, 121 boys and 37 girls were withdrawn from the labour force; the removals were verified by fresh inspections establishing that the children had not been reemployed, and continuous monitoring was introduced in the areas in which the children had been identified. During the period from January to August 2010, 6,367 scheduled inspections were carried out throughout the country and 13 boys were taken out of the labour force.

229. The aforementioned measures offer a response to the observation of the Committee calling for greater efforts to combat child labour (E/C.12/SLV/CO/2, para. 42).

230. As regards current legislation and machinery to protect adults' economic, social and cultural rights, since November 2009 the Government has been implementing a care programme for adults entitled *Nuestros Mayores Derechos* (Our Adult Rights), which is a component of the Universal Social Protection System, a programme designed to establish conditions for providing all citizens with a basic minimum social standard giving them access to education, health, nutrition, food security, housing, basic services, community infrastructure, social security and greater income-generating opportunities. The general aim of the system is the achievement of greater human development and family well-being with

equity and social inclusion, contributing through a multidimensional approach to the reduction of poverty and social exclusion.

231. The aim of the *Nuestros Mayores Derechos* programme is “to promote the complete well-being of older persons in an inclusive and equitable manner through their integration into family, community and social life and strengthening of their autonomy through coordination with local governments and agencies and with the support of the central government”. The programme components are health, nutrition, accident prevention, education, social inclusion, rights and citizenship, the basic universal pension, reception centres (infrastructure improvements), recreation, culture, sports and financial support.

232. In June 2010 the universal basic pension system made monthly payments of \$50 to each of its 6,297 participants (3,009 men and 3,288 women) aged 70 or over and residing in the 32 municipalities classified as in acute poverty. The amounts paid out up to June 2010 totalled \$2.3 million. The pension is payable for life and for two months following the participant’s death. During 2014 it is hoped gradually to extend the scheme to elderly adults residing in the 68 municipalities classified as in very severe poverty and an additional 25 municipalities participating in the Urban Communities Solidarity Programme.

233. Since the Ministry of Health and Social Welfare extended the coverage of its comprehensive care element for elderly adults at the primary care level there has been a strengthening of the caring skills of staff providing care for the elderly, with awareness promotion and dissemination of knowledge of their rights among health personnel and leaders for the promotion of a greater human element in the care afforded.

234. The Ministry contributes to the implementation of the Integrated Services for Older Persons Act, in force since 2002, by providing specialist medical care for the elderly. To that end it has since 2003 been applying a strategy of training and strengthening of health personnel at primary care level focusing on the manner of approaching older persons. It has also developed a regulatory framework comprising: (a) rules for the comprehensive health care of older persons; (b) a clinical guide on primary care for older persons; and (c) a technical guide on social communication in care for older persons.

235. Attempts are being made at national level to promote active participation by the elderly and their integration with the family, greater institutional, inter-institutional and intersectoral coordination and development of education, information and communication processes facilitating self-help in the context of the rights of the elderly and the prevention of violence and abuse.

236. In the context of legislation and mechanisms in force for the protection of the economic, social and cultural rights of older persons and programmes to combat abuse, abandonment, negligence and ill-treatment of them, the national civil police have been detaining anyone damaging the legal property of persons protected by the Criminal Code, the Domestic Violence Act and other legislative instruments. It is apparent from police records that offences have been committed against such persons, and have led to detentions for “abandonment and desertion of persons” as defined in article 199 of the Criminal Code, its “Injury” section (art. 142) and other provisions.

237. All police stations across the nation have prevention squads that offer specialized services for receiving complaints and/or notifications, victim protection procedures (application for protection measures), victim care and support, monitoring of protection measures or orders relating to victims of domestic violence, threats and/or violation of the rights of children and adolescents, and ill-treatment of the elderly and women..

238. The main points of the National Civil Police Institutional Strategy Plan 2010 include care for children, adolescents and other vulnerable groups in a police context, and the promotion and advancement of women, for whose benefit a number of plans are being



elaborated or implemented. These include the plan to promote a reporting culture, a plan for the monitoring and handling of risk factors, the plan for the prevention and abolition of commercial sexual exploitation, trafficking in persons and the worst forms of child labour, a plan for training in rights and special procedures for dealings with members of vulnerable groups and the plan to prevent incorporation of children into gangs. In addition, the subject of gender equality is included as a cross-cutting element in all the annual plans of operations of each police headquarters.

239. As regards the economic and social rights of asylum seekers, refugees and their families, El Salvador is a party to the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees; it also subscribes to the principles enunciated in the 1984 Cartagena Declaration on Refugees. In addition, in 2002 the Legislative Assembly approved the Refugee Status Determination Act (Decree No. 918), which is designed to determine the status of individual refugees and guarantee the right of every person of non-Salvadoran origin to seek and be granted refuge within El Salvador to safeguard his or her life, physical integrity, freedom, safety and dignity. The enabling regulations were adopted in 2005.

240. Articles 35 to 39 of the Act define the rights and duties of refugees, who enjoy the individual and social rights recognized in the Constitution, treaties and laws, including the rights to education, decent and remunerated work and freedom of movement, and to be told about the procedures governing documentation and technical assistance, health and decent housing, subject only to the exceptions and restrictions laid down in the relevant legal instruments.

241. The right to family reunification is established in article 37 of the Act in the following terms: "The reunification of families is a principle recognized in international refugee law, and a refugee recognized as such shall have the right to ask to be reunited with his or her nuclear family ...", the latter being defined as the basic family unit (spouse or lifetime partner, children under 18 years of age and elderly dependent parents). An application for refugee status may thus cover the entire family. Persons captured entering the country illegally, and applicants during the admission proceedings, are held in comprehensive migrant care centres, where they receive lodging, food, medical care, may communicate with their families and enjoy other basic services.

242. Persons who enter legally and subsequently apply for refugee status are placed in the hands of the non-governmental organization designated by the Office of the United Nations High Commissioner for Refugees (UNHCR), currently the Episcopal Anglican Church of El Salvador, operating through the Refugee Support Programme. Such persons have unrestricted freedom of movement throughout the country. During the proceedings to establish award of refugee status, under the terms of article 32 of the Act, the State, acting through the agency of the Commission for the Determination of Refugee Status, will provide social assistance; financial support will be provided by non-governmental organizations which have concluded agreements with UNHCR.

243. Once his or her refugee status has been accorded, the person concerned will enjoy, under the terms of article 32 of the Act, all "the individual and social rights recognized in the Constitution, treaties and the laws of the Republic". Access to the rights enunciated in international instruments is granted even before refugee status is granted; all applicants have direct access to health services through hospitals and health posts (particularly for minors) and to the employment offices of the Ministry of Labour and Social Security, which receives applications and finds places for applicants in the labour market.

244. In October 2010 the Directorate-General for Migration registered 43 refugee applicants of various nationalities — 35 male and 8 female.<sup>45</sup> In fact, irrespective of the applicants' personal situations and the countries they come from, most applicants are in transit to another country, especially the United States, so that that even when granted refugee status they immediately leave El Salvador.

245. Regarding legislation to penalize acts of domestic violence, there is the Domestic Violence Act,<sup>46</sup> which establishes the mechanisms for preventing, punishing and eradicating domestic violence inflicted by family members or through any other interpersonal relationship of those family members, whether they share the same dwelling or not. It also contains a set of measures both for victim protection and assistance and for rehabilitation of the offenders in order to restore victims' rights.

246. The Criminal Code establishes, in Chapter III "On violations of family rights and obligations", article 200, that any relative within the meaning of the Domestic Violence Act who practises any of the forms of violence set forth in article 3 of the Code shall be punished with 1 to 3 years' imprisonment. The article defines as domestic violence any direct or indirect act of commission or omission that causes harm, physical, sexual, psychological suffering or the death of persons belonging to the family. Forms of domestic violence are: psychological violence; physical violence; sexual violence and patrimonial violence. This Code comes into play once the process of the Domestic Violence Act has been exhausted, as stipulated in the Code itself. However, any act of violence that constitutes a crime entails enforcement of the criminal legislation.

247. Current law apart, since June 2009, with the new strategic reorganization, ISDEMU has focused its efforts on coordination with the legislative and executive branches to expand the legal framework. Accordingly, on 25 November 2010 the Legislative Assembly approved the Special Act for a Life Free of Violence for Women, based on a package of proposals received by civil society organizations.

248. This Act, which will enter into force in 2012, introduces a number of elements stepping up efforts to safeguard the rights of women threatened with violence, including the following:

(a) Inclusion of the following in the definition of domestic violence: economic violence, femicide, work-related, psychological, emotional, patrimonial, sexual, symbolic and obstetric violence;

(b) Designation of ISDEMU as the body responsible for implementation of the Act and for public policies geared to providing women with access to a violence-free life; as stated above, this is in line with the strategic realignment which ISDEMU is currently undergoing;

(c) Establishment of administrative tribunals with powers to impose penalties. They will hear complaints from women concerning acts of violence, which will automatically be taken up (i.e. legal process will follow);

(d) Provision in the Act for restoration of the rights of women through the establishment of legal remedies providing for full compensation.

249. So far, ISDEMU has a record of 40,633 cases dealt with between 2007 and September 2010<sup>47</sup> covering all types of violence.<sup>48</sup> Of these, domestic violence accounts

<sup>45</sup> Data supplied by the Directorate-General for Migration.

<sup>46</sup> This Act was approved by Legislative Decree No. 902 of 28 November and published in the *Diario Oficial* No. 241 of 20 December 1996.

<sup>47</sup> Data furnished by the ISDEMU programme to combat gender-based violence.



for 55.34 per cent (22,487), 97.38 per cent occurring among the female population, with an upward trend between 2007 and 2009; of all the cases received, those concerning domestic violence accounted for 54.11 per cent (5,904 cases) in 2007, 54.9 per cent (6,051 cases) in 2008 and 55.63 per cent (6,711 cases) in 2009.

250. Regarding the Committee's recommendation that the State party take the necessary measures to protect victims of violence, particularly women (E/C.12/SLV/CO/2, para. 41), in 2009 ISDEMU published the first national report on violence against women in El Salvador, based on the commitment of all Government institutions to work for its elimination; accordingly, agreements to incorporate the gender perspective and eliminate gender-based violence have been concluded with institutions including the national civil police, the National Public Security Academy, the Secretariat for Culture, the Municipality of San Salvador and Santa Tecla, with which a joint work plan is in operation. In addition, the information that precedes this paragraph provides greater details on the measures implemented by the country in this regard.

251. In 2002, ISDEMU, together with other government institutions and civil society stakeholders, formulated a national plan to prevent and address domestic violence. The plan was developed on the basis of the relevant national and international legal framework and contains a series of objectives and measures to provide a nationwide response to this issue. Good as the efforts were, the plan was only partially implemented.

252. The five strategic lines of action defined were: prevention, attention, legal framework, information and investigation, and evaluation and monitoring; they are currently being updated to meet the new ISDEMU objectives and reorientation.

253. Action under the plan to address the changing situation was mostly taken through the programme to improve family relations, which ran from June 1997 to June 2009. The aim was to provide support for victims of violence and thus integrate and strengthen the family unit. Prevention activities under this programme included training sessions and prevention and awareness-raising days. The programme has provided victim support by telephone, through the Family Friend Hotline, now renamed the Women's Friend Hotline, and through personal case handling.

254. A single record-sheet system (a tool for determining the causes and consequences of the problem) was devised for dealing with cases. This allows for the formulation of attention and prevention strategies, which are established within the lines of action of the National Plan. While these measures have yielded results in line with the new ISDEMU vision, it is thought important, in addition to domestic violence, to include subjects such as sexual harassment in the workplace, patrimonial violence and psychological violence, which also affect women. Hence, the programme to combat gender-based violence was established in June 2009 providing comprehensive coverage of female victims of violence. Another important activity is the promotion and establishment of inter-institutional cooperation agreements to speed up the handling of cases and protect the women concerned from further victimization.

255. ISDEMU has conducted a series of institutional capacity-strengthening activities, including training of public servants and civil society in various subjects relevant to domestic violence.<sup>49</sup> Most of the public servants trained in the period 2007–2009 were

<sup>48</sup> ISDEMU has handled cases of sexual assault, domestic violence, child abuse, sexual harassment, harassment at work, commercial sexual exploitation of children and Trafficking in human beings.

<sup>49</sup> The subjects comprised: basic courses on addressing and preventing domestic violence; prevention and awareness-raising days on sexual abuse; women's rights; sexuality and mental health; modules for dealing with violence, and workshops on self-esteem, gender, masculinity and mental health.

men (2007: 63.48 per cent; 2008: 56.44 per cent; and 2009: 59.43 per cent). The institutions include the Ministry of Labour and Social Security, the Office of the Counsel-General of the Republic, the Ministry of Agriculture and Livestock, the Ministry of Education and the Supreme Court of Justice.

256. For the year 2010 such training was diversified to cover other aspects of violence and other types of instrument which it is vital to consider in order to provide victims with better care. The main ones are:

- (a) Basic and advanced workshops on the Convention on the Elimination of All Forms of Discrimination against Women;
- (b) Workshops and basic courses on gender violence;
- (c) A conference on misogyny, a sociocultural problem that undermines women's rights;
- (d) A workshop on trafficking in human beings;
- (e) Workshops on sexual harassment;
- (f) Conferences on gender violence and Security Council resolution 1325 (2000);
- (g) Conferences and training courses on prevention of domestic violence.

257. Of the 1,800 public servants trained in 2010, 72.11 per cent were women and 27.89 per cent were men. The training was given to staff members in a number of institutions involved in caring for victims of violence and community care generally; these included ISDEMU, the Ministry of Justice and Public Security, the Armed Forces, the Office of the Under-Secretary for Regional Affairs, the Salvadoran Institute for the Rehabilitation of Invalids, the Network for Action against Gender Violence, women's organizations, pupils and teachers in State schools and older persons forming part of the Salvadoran Third-Age Foundation and the National Maternity Hospital.

258. In addition to developing institutional capacities, ISDEMU, in coordination with government and international cooperation organizations, is conducting investigations on its own initiative to raise awareness of the legal framework and of the instruments and tools that might facilitate application of the laws. Particular mention may be made of the compilation of legal instruments assembled for the training programme on awareness-raising, education and the prevention of domestic violence, child abuse and sexual assault; the jurisprudential guidelines and criteria for domestic violence; the investigations conducted and publications produced within the framework of the programme to monitor and reduce impunity in violent crimes against men and women, in conjunction with the National Council of the Judiciary, the Technical and Executive Unit of the Justice Sector and AECID (Spanish Agency for International Development Cooperation); the 2007 Act on combating domestic violence and related offences; the popular version of the same Act, adopted in 2008, published under the auspices of AECID; and a history of women survivors of gender-based violence, published in conjunction with AECID and the Technical and Executive Unit of the Justice Sector in 2009.

259. The Youth and Family Services Division of the national civil police provides specialized support for victims of gender-based violence (domestic violence, commercial sexual exploitation, trafficking in human beings and sexual abuse).

260. The Ministry of Health and Social Welfare has prepared and disseminated guides for the primary and secondary care of women and victims of domestic and sexual violence and has drawn up unified care guidelines for victims of sexual violence with UNFPA support.



261. In connection with existing legislation penalizing trafficking in human beings, the main function of the National Committee against Trafficking in Human Beings, created by Executive Decree No. 114 of December 2005, is to implement a national plan for the elimination of trafficking in human beings. The plan reflects a national commitment which is put into practice through a Five-Year Strategic Plan to combat and prevent this offence, and to support victims and survivors. To that end, the Executive fulfils its functions and obligations through the aforementioned Committee.

262. Regarding the progress El Salvador has made in combating trafficking in human beings, up to June 2010 a total of 16 sentences were handed down, making it one of the Central American countries with the highest number of sentences imposed for this offence. Greater efforts are needed nationwide to inform the population about the offence and promote a culture of reporting so that more cases of trafficking in human beings will come to trial (see annex I, table 7).

263. Three subcommittees have been established within the National Committee against Trafficking in Human Beings to prepare action strategies in line with the powers conferred on the various institutions by law. Although the recommendations of the Committee based on the work of the subcommittees have no legally binding effect on the different administrative and criminal proceedings, they nevertheless have considerable moral standing.

264. The most important instruments to have resulted from the work of the Committee are:

(a) The National Policy for the Elimination of Trafficking in Human Beings, issued on 21 May 2008;

(b) The National Plan to Combat Trafficking in Human Beings, 2009–2012, financed by ILO and the International Organization for Migration (IOM);

(c) The guide to inter-institutional coordination for the prosecution of cases involving trafficking in human beings, the aim of which to standardize victim protection practices;

(d) The guidelines for the initial care of victims of trafficking in human beings;

(e) The El Salvador procedural handbook for the repatriation of child and adolescent victims of trafficking in human beings.

265. As regards appropriate institutional care for victims, El Salvador is at present the only country in the Central American region with a specialized hostel for victims of trafficking in human beings, but the hostel only caters for girls. The hostel is administered by the Salvadoran Institute for Child and Adolescent Development (ISNA). Since its foundation it has provided care for 165 girls and young women (including eight readmissions) of various nationalities. The majority of the patients are between 12 and 18 years of age.

266. The purpose of the hostel is to contribute to the protection and assistance of victims of trafficking in human beings and for women, girls and adolescents by meeting their basic needs and providing counselling, medical and psychological support, legal advice and help to return.

267. Boys are placed in general ISNA hostels such as the Integrated Services Centre for Children and Adolescents (CISNA).

268. Where a victim is an older woman, the assistance of civil society is sought to find a hostel for her. To this end the cooperation of NGOs such as the Norma Virginia Guirola de Herrera Institute for Women's Studies, the Association for the Self-Determination and

Development of Women, Catholic Relief Services and the Central American Resource Centre (CARECEN) has been obtained.

269. Once victims have been located or placed in an institution, the Attorney-General's Office offers psychological care through a multidisciplinary team of psychology and social work professionals, seeking to bring about an emotional state in which victims can speak of what they have undergone and participate in the subsequent criminal proceedings, thus contributing to the complete restoration of their rights.

270. Efforts are being made to develop new projects for the inclusion of victims of trafficking in human beings in plans for reintegration into working, family and social environments through the creation, with the cooperation of Save the Children and IOM, of a model for comprehensive care and restoration of the rights of victims and survivors of trafficking in human beings.

271. The challenges facing the country are recognized, and there are plans to amend the definition of the offence of trafficking in human beings. Work will also begin on drafting an ad hoc bill on trafficking in human beings, in which issues such as protection, care and restoration of rights can be addressed in line with the demands of reality.

272. In addition, work is continuing on skills development among members of institutions represented in the Committee which provide protection and combat the offence of trafficking in human beings. These activities have been going on for two years; one example is the training given to 680 members of the special police units, members of the 911 Emergency Division and 480 members of the Public Safety Division.

## Article 11

### Article 11, paragraph 1

273. As to enjoyment of an adequate standard of living and the definition of a national poverty threshold, the technique for measuring poverty in the country is the poverty line or income approach used by the Economic Commission for Latin America and the Caribbean, which involves calculating the minimum amount of income needed to give individuals sufficient resources to meet their energy needs.

274. In El Salvador the national poverty threshold is separated into extreme poverty and relative poverty, the calculation being based on the Multiple Purpose Household Survey conducted by the Ministry of Economic Affairs through the Directorate-General of Statistics and Censuses (DIGESTYC). The "extreme poverty" category comprises households unable to afford the basic food basket, while the "relative poverty" category comprises households that cannot afford the expanded basic food basket (twice the amount of the basic food basket). The Poverty and Exclusion Map (Latin American Social Sciences Faculty, United Nations Development Programme (UNDP), Ministry of Economic Affairs and DIGESTYC) combines poverty measurement methods such as the poverty line and unmet basic needs.

275. The 2009 Multiple Purpose Household Survey showed that in 2009 the cost of the basic urban food basket was \$44.33 per capita while the cost of the rural basic food basket was \$27.86. The cost of the urban basic food basket in 2009 for an average household of 3.79 members was \$168.01, while the expanded basic food basket cost \$336.02. However, the cost of the rural basic food basket for an average family of 4.34 members was \$120.91 and the expanded basic food basket \$241.82.

276. In 2009, nationwide, 37.8 per cent of households were living in poverty, 12 per cent of them in extreme poverty, while 25.8 per cent experienced relative poverty. Of urban households, 33.3 per cent were living in poverty: 9.2 per cent of them in extreme poverty



and 24.1 per cent in relative poverty. In rural areas, 46.5 per cent of households were living in poverty, 17.5 per cent of them in extreme poverty and 29 per cent in relative poverty. The Metropolitan Area of San Salvador had the fewest poor people, accounting for 25 per cent of households: 5.4 per cent of these found themselves in extreme poverty and 19.6 per cent in relative poverty.

277. Regarding the definition and adoption of a national action plan or strategy for battling poverty, the Five-Year Plan for 2009–2014 publicizes the country's medium- and long-term vision for the period up to 2024; that is, a period of 15 years, which would cover three Administrations, including the current one. This vision is shared by the Government and the Economic and Social Council, and envisages the possibility of undertaking, within that time span, a substantive transformation of El Salvador, so that by the end of the first quarter of the twenty-first century it could be on the path to make itself a better country, with a buoyant, integrated and diversified economy, an equitable and inclusive social structure and a strengthened and consolidated democracy in which women and men, without distinction, might pursue their human development in a atmosphere of peace and prosperity.

278. At the same time, the Five-Year Plan is structured around two strategic objectives: (a) laying the foundations for a new model of growth and comprehensive development that is both sustainable and inclusive; and (b) inculcating and consolidating democracy.

279. In this connection, from the outset the current Government has promoted the Anti-Crisis Plan (2009) as the first measure in the national response to the crisis, with the immediate aims of protecting existing jobs and generating new work sources, protecting the poorest and most vulnerable population groups from the adverse impacts of the crisis, starting up construction of the Universal Social Protection System and take advantage of economic conditions to build inclusive economic and social government policies. It also included strengthened macroeconomic stability, respect for the rule of law, the rationalization and responsible management of public finances and the design of policies to provide decisive support to the main economic sectors.

280. The Five-Year Development Plan 2010–2014 seeks to combat poverty and fully to integrate economic, social and cultural rights. It includes strategic initiatives directly aimed at overcoming poverty in the country, including: (a) a healthy, educated and productive population with the ability and adequate opportunities to fulfil its potential and become the principal foundation of the country's development; and (b) the construction of an equitable, inclusive and tolerant society in which gender equality exists and in which the rights of the entire population, and particularly those of children and vulnerable groups, are respected.

281. The first priority areas for the five-year period are a significant and verifiable reduction in poverty, economic and gender inequalities and social exclusion, the main target being a 10–15 per cent reduction in poverty in both urban and rural areas.

282. In light of the strategy choices and priority areas defined, the plan lays down the general objectives for the period 2010–2014, setting as the primary objectives the reversal of the tendency for poverty to increase observed during recent years and the extension of coverage by basic social services in both urban and rural areas, particularly for the more vulnerable population groups and above all for women; and protection of the purchasing power of the population and a more rational allocation of subsidies so that they benefit only the sectors that really need them.

283. On the subject of the mechanisms and procedures in force to monitor implementation of the plan and permit evaluation of the progress achieved in the fight against poverty, it should be mentioned that the Government has carried out an institutional reorganization designed to ensure effective and expeditious coordination between the institutions forming part of the Executive and other State bodies. A national planning

system and a national statistics and indicators system have been created and are being organized by the technical secretariat of the Office of the President.

284. Reforms have been introduced in the National Public Investment Commission with the aim of incorporating it into the national planning system and furnishing the latter with the tools it needs to conduct detailed monitoring of the entire public investment process. In addition, a single register of beneficiaries is being established within the Universal Social Protection System to permit coordination of Government measures and social programmes and make optimum use of available resources. An information and governance system is also being set to monitor public investment.

285. Regarding the observation of the Committee concerning measures to encourage the population to remain in the country (E/C.12/SLV/CO/2, para. 40), the priority objectives of the Government are to significantly reduce poverty, economic and gender inequalities and social exclusion and to boost the economy by for example, creating many more decent jobs and modernizing the agricultural and livestock sector, through implementation of the public policies and programmes described in this report. To this end, conditions are being created which will permit individuals to develop their abilities within the country; one of the principal objectives of the Government is to gradually reduce undocumented migration by Salvadorans while at the same time providing effective assistance to Salvadoran families at home and abroad, thus making migration a voluntary decision, rather than a survival option, for Salvadorans.

286. Priority is also being given to the protection of the human rights of Salvadorans who decide to emigrate by promoting a policy of inclusion and defence of the rights of migrants and their families. To this end approaches are being made to transit and host countries used by migrants, seeking to guarantee respect for the human rights of the latter wherever they may be in the world and laying emphasis on a comprehensive and long-term approach to the subject that takes into account all its causes, manifestations and effects.

287. The principal policy guidelines relating to Salvadorans residing abroad concern: (a) contributing to the promotion of the human rights of migrants and their families, especially the most vulnerable; (b) strengthening the links between Salvadorans living outside the country and their communities of origin; and (c) seeking assistance to obtain respect for the human rights of migrants deported from transit or host countries.

288. Progress has been made in the analysis of a number of migration issues. For instance, an inquiry into the effect of migration on the population remaining in the country is now in its final stages. An investigation has also been conducted into the impact of remittances on the women receiving them in relation, *inter alia*, to gender roles. These investigations have made it possible to identify the principal challenges in this field and have facilitated the identification of guidelines for the framing of policies and programmes to deal with them.

289. The Directorate-General for Migration and Alien Affairs, through the Welcome Home Programme and Returnee Assistance Centre, is working to reintegrate migrant Salvadorans returning to the country and thus to encourage them to remain in the country in a productive capacity and avoid renewed emigration (see annex I, tables 4 and 9). Between the time of its establishment in 1998 and September 2010 the Welcome Home Programme assisted 116,194 Salvadoran returnees, while since its establishment in 2008 the Returnee Assistance Centre has provided medical, work-related, legal, educational and psychological assistance, tattoo removal, technical training courses in bakery, automobile mechanics, repair of information technology equipment and cosmetology, and also referral to care centres and telephone support from call centres. In all, 1,612 Salvadorans have benefited from these services (see annex I, table 10).



290. With regard to policies and programmes specifically designed to combat poverty, especially among women and children, and economic and social exclusion in rural and disadvantaged urban areas, particular mention must be made of the Universal Social Protection System (described in detail elsewhere in this report) and the entire corpus of State policies in the social and economic field (see chart in annex II).

291. With regard to the achievements of the Urban Communities Solidarity Programme, under the first component (investment in human capital) the Prevention of Violence Programme (coexistence schools) run by the Secretariat for Strategic Affairs has been successfully implemented; care has been provided for 4,096 children and adolescents between the ages of 8 years and 18 years. Under the second component (basic services), work is proceeding on the comprehensive improvement of precarious urban settlements (Office of the Deputy Minister for Housing and Urban Development); up to October 2010 improvements had been made to the living conditions of 969 families in Achuachapán and San Martín, while under the third component (income generation, employment and productive development), through the Temporary Income Support Programme/FISDL and the Salvadoran Vocational Training Institute have succeeded in bringing 650 persons into two pilot programmes in Achuachapán and San Martín; in the field of income generation, employment and productive development, the Programme, working in coordination with the National Commission for Micro-Enterprise and Small Businesses (CONAMYPE), the Ministry of Labour and Social Security and the Ministry of Public Works, has supported 400 participants, who have found new productive opportunities for their family groups.

292. Under the first component of the Communities Solidarity Programme, through the FISDL Education and Health Vouchers Programme, support is being given to 100,000 families in municipalities with severe and high extreme poverty levels; FISDL basic pensions for older persons were paid to 4,487 persons in 2009 and 6,297 in 2010 in 32 municipalities with very severe poverty levels. Under the second component (basic services) FISDL has been working on basic social infrastructure and hopes to cover 100,000 families in 100 municipalities with severe and high extreme poverty levels. Under the third component it is hoped to reach a total of 20,025 participants during the five-year period.

293. As stated earlier, the Communities Solidarity Programme is operating in the country's rural and urban areas identified as suffering most from the effects of poverty. The programme also includes a water fund to be used for investment in water infrastructure and governance in the water sector, which will benefit 150,000 people.

294. Another programme being executed through the Ministry of Education is the School Meals Programme, which has been expanded to include tertiary education. In 2009/10, priority was given to the urban sector, strengthening the educational element of the strategy of guaranteeing that pupils attend and remain in school, improving their nutritional state through refreshments served in school and healthy hygiene practices, and at the same time helping to lighten the cost of the basic basket. In 2010, 1.3 million children and adolescents in classes ranging from pre-primary to ninth grade were covered by the scheme.

295. The Ministry is also executing a literacy programme called "Learning to Live a Better Life", which seeks to reduce the illiteracy rate from 17.97 per cent to 4 per cent over a five-year period through a country-wide mobilization of local, municipal and sectoral institutions. Within this strategy, priority attention will be given to women in order to reduce the gender disparity in the field of illiteracy; according to the 2007 census conducted by the Directorate-General of Statistics and Censuses (DIGESTYC), 61.7 per cent of the illiterate population nationwide were women. There are also a number of inter-agency coordination strategies involving the creation of networks and civil society organizations.

296. Regarding the observation of the Committee calling upon El Salvador to take all necessary measures to reduce poverty and to improve its social development strategies, including coordination measures among the various institutions, as well as evaluations to assess the impact of plans and identify their shortcomings (E/C.12/SLV/CO/2, para. 35), the Government is endeavouring to significantly reduce the disparity between rural and urban areas, especially as regards medical services, wages and the basic (food) basket, and is taking the necessary steps to secure better coordination of the various social development strategies in order to guarantee equality between rural and urban areas with regard to the rights enshrined in the Covenant.

*Right to water*

297. The information on the poverty map reveals a shortage of drinking water. In 2009, in 32 municipalities with severe extreme poverty levels, coverage stood at only 81.8 per cent, while in 68 municipalities with high extreme poverty levels coverage was 52.7 per cent. These data indicate that the projects being promoted should focus on extending coverage to enable the rural population to enjoy this service.

298. The unit of measurement used by the National Aqueducts and Quarries Administration (ANDA) to evaluate the accessibility of drinking water supplies and sewerage services (waste water, access to sanitary services and sanitation) is the country-wide coverage of the population. For this purpose ANDA keeps records of the population supplied with drinking water in urban and rural areas based on DIGESTYC population data and institutional projections of population growth. ANDA currently supplies drinking water to 84.7 per cent of the population in urban areas and 18 per cent in rural areas and provides sewerage connections for 66.1 per cent of the population nationwide (see annex I, tables 11 and 12).

299. The Act governing the National Aqueducts and Quarries Administration (ANDA) defines its mandate in article 2 as follows: "... The purpose of the National Aqueducts and Quarries Administration (ANDA) is to provide, or help to provide, all the inhabitants of the Republic with piped water and sewerage by planning, financing, executing, operating, maintaining, administering and exploiting the necessary or appropriate construction works." It has a role to play in the attainment of one of the goals of the strategic plan for 2009–2014, which reads: "To reduce by half, by 2015, the proportion of persons country-wide without sustainable access to drinking water and basic sanitation services by means of coverage programmes and projects for the introduction, improvement and rehabilitation of drinking water and sanitation systems throughout the country."

300. As a function of its availability, ANDA has responsibility for carrying out all its projects and complying with technical regulations on supply and availability requiring the supply of a minimum of 80 litres of drinking water per person and per day. The regulations contain physical access criteria; water supplies must be within the physical reach of every sector of the population.

301. The Office of the Deputy Minister for Housing and Urban Development runs a programme for the comprehensive improvement of precarious settlements with the aim of improving access to basic services in poor urban settlements and strengthening the capacity of municipalities to execute housing projects and the community consolidation process. Its interventions under this programme consist of bringing or improving water supplies to the community, having available an adequate system for the removal of waste and used water, the construction of a better space for sanitary services within the community boundaries, improvements in rainwater drainage, road surfacing, electricity and lighting networks, environmental protection, risk mitigation work, redevelopment of communal spaces, social facilities, securing of legal title to property and strengthening of communities and municipalities. In 2010, projects of this kind were implemented in 39 precarious urban



settlements country-wide; 8,626 families, with a total number of 36,229 direct beneficiaries, benefited from these projects.

302. FISDL reports that between 2005 and June 2010, investments totalling \$38.7 million were made in 521 projects involving the introduction, expansion, improvement, reactivation and repair of systems providing water fit for human consumption. The projects ranged from public well covers to water brought into the home by distribution systems using gravity or pumps. During that period, an average of 103,575 families, living mainly in the rural zones of the 100 municipalities with extremely severe or high poverty levels (according to the 2005 poverty map produced by the Latin American Social Sciences Faculty and FISDL) received access to potable water.

303. The interventions were effected through the following programmes: Support for the Reconstruction of El Salvador, United for Solidarity, Hands to Work for Our Community, Rural Community Solidarity Programme, Poverty Relief in El Salvador, Promotion of Local Development and Governance, and the Millennium Fund. The general aim of the water and basic sanitation components of these programmes is to provide access to potable water for the most disadvantaged communities so as to improve living conditions and quality of life.

304. As regards the criterion of financial accessibility, the direct and indirect costs and charges associated with water supplies should be affordable and should not compromise or endanger the exercise of other rights enshrined in the Covenant. The non-discrimination criterion is also taken into account; water and water services and facilities must be accessible, *de facto* and *de jure*, to all, including the vulnerable and marginalized population sectors. To contribute to the population's enjoyment of this right, ANDA targets projects on a needs basis, assigning priority to the poverty map's vulnerable and marginalized sectors.

305. Access to information is another important criterion. Accessibility comprises the right to request, receive and disseminate information on matters relating to water. With this in mind, ANDA publishes on its website important up-to-date information on requests dealt with on a daily basis, notices and press releases. It also operates a call centre to provide the population with information on such matters as the details of billing for each user, reports, complaints, etc. In addition, considerable efforts are being made to improve the handling of complaints about billing or inadequate supplies to sectors equipped with the supply infrastructure.

306. Again, with a view to providing and giving access to information for the population, ANDA is promoting a culture in schools whereby they will provide information on and make good use of water. There is also a social outreach structure and an education unit; these conduct educational campaigns directed at the student population, such as the Water Guardians Programme, which has the general aim of offering lectures to inform the population about, and developing awareness of, saving and making proper use of drinking water and treating residual water. ANDA is also fostering a culture of protection, conservation and defence of water resources; the population is taught how to make water drinkable and ensure water quality, with the ultimate aim of gaining citizens' trust.

307. In the educational field, the Ministry of the Environment and Natural Resources is also conducting activities concerning the management of water, its hygienic use and the protection of sources to reduce wastage. In this context, catchment area protection projects have been implemented; there are plans to cover them through special regulations, which will come into force in the next few years, in keeping with the work programme plans.

308. On the subject of water quality, in El Salvador the Pan American Health Organization (PAHO) recommendations on water quality control are complied with. In this area the Ministry of Health is implementing a Water Quality Monitoring Programme,

consisting of verification of compliance with potable water standards by all water suppliers (ANDA, town halls, water boards, private systems).

309. The measures taken by the Ministry of Social Welfare to monitor the quality of water destined for human consumption include taking readings of residual chlorine in the system, sampling, bacteriological and physical/chemical analyses, sanitary inspections and the compilation of information, which it evaluates before rectifying any problems detected. Since 2009, it has initiated a safe water plan of the kind described in the water quality guidelines issued by World Health Organization (WHO)/PAHO and projects for the continuous improvement of quality in the 30 national hospitals.

310. Water purifiers for the home are being produced, distributed and promoted. They are based on sodium hypochlorite produced locally by 200 teams (PURIAGUA) and distributed to the population free of charge. It is a very useful tool, both in everyday life and in emergencies.

311. To offer a guarantee of water quality to the population, ANDA has a central laboratory which has been in operation since 1974 and is responsible for continuous quality control by means of bacteriological, physical and chemical analysis. In light of the work done on water quality in El Salvador, the ANDA laboratory has been selected as a reference laboratory by the United States Environmental Protection Agency and for the waste water project of the signatories to the Dominican Republic-Central America Free Trade Agreement (CAFTA-DR). In addition, the International Atomic Energy Agency (IAEA) has donated a laser-ray electrophotometer for the analysis of stable isotopes in water and has trained two chemical laboratory technicians in its use and operation, thus enabling the laboratory to become an IAEA reference laboratory in the region.

312. In this context, capacities were strengthened and a quality system in line with ISO International Standard ISO/IEC 17025 was implemented. In June 2003, formal proceedings for the accreditation of the laboratory were initiated before the National Science and Technology Council with an application for a preliminary hearing to evaluate the efficiency of the quality system implemented, which would permit a demonstration of the technical competence of the ANDA laboratory.

313. In compliance with the provisions of the Health Code, in August 2006 the first updating of the Salvadoran standard for water and drinking water (NSO 13.07.01:04) came into force. Its purpose is to establish the physical, chemical and microbiological requirements to be met by drinking water in order to safeguard public health. The update is still in force.

314. As one supplier of water for human consumption, and with a view to ensuring that the water received by the population is safe from the sanitary standpoint, ANDA has developed an infrastructural instrument enabling it to ensure water quality control. The system consists of: (a) placing operators at every source of production for operation and maintenance purposes and to ensure that the chlorination process is effective, guaranteeing a concentration of free residual chlorine of the order of 0.3–1.1 mg/l at the exit from the plant; and (b) processing laboratories in surface water treatment installations with the principal function of controlling the quality of each step in the process of making the water potable up to the final assessment of the filtered water before disinfection with chlorine as a prerequisite for release into the distribution system.

315. To guarantee the quality of the water distributed to the population under this framework of compliance regulations, the following figures are provided on the checks effected during the period 2005–2009 in the form of samples taken for physiochemical analysis at sources and in distribution networks: 1,086 in 2005, 1,119 in 2006, 1,823 in 2007, 1,749 in 2008 and 2,086 in 2009.



316. Annex VII contains information on investment by ANDA during the period 2009–2014. These figures are indicative of the improvements planned for the country in the water and sanitation services.

317. The Ministry of the Environment and Natural Resources has issued two documents: a national water resources survey (2005) and a report on the quality of rivers in El Salvador (2009), which states the quality of the different waters by reference to the Water Quality Index (WQI), itself an indication of the health of the surface water network and trends therein over time. The principal parameters taken into consideration for quality measurement include the temperature of the sample, temperature of the environment, pH, turbidity, conductivity, total dissolved solids, oxygen saturation, biological demand for oxygen and fecal coliforms. The WQI readings define suitability for drinking (human consumption), irrigation (agriculture), contact with humans (recreation) and environmental quality (ecosystems). The results obtained by the general WQI in 2009 showed that at 60 per cent of the sites evaluated quality was average (thus limiting the development of aquatic life), 31 per cent poor and 9 per cent very poor (i.e. preventing the development of aquatic life). Not one of the 124 sites evaluated country-wide yielded WQI values showing good or excellent quality. To carry out analyses, the Ministry of the Environment and Natural Resources has its own water quality measurement laboratory to monitor and verify water and spillage; the laboratory has been fully operational since 2007.

318. These results for the contamination of surface waters are in line with those of another initiative backed by the Ministry and implemented by the University of El Salvador, which involved developing a standardized methodological guide for determining the environmental quality of river water in El Salvador using aquatic insects (2010). The novelty of this methodology is its simplicity.

319. The Ministry has also initiated the implementation of programmes to improve management of river basins, contamination control and the development of the legal framework permitting consolidation of the performance of tasks relating to water resources by the various institutions. The results it is hoped to obtain include the establishment of a water resources observatory and a national plan for overall management of water resources.

#### *Right to adequate housing*

320. There are four State institutions in El Salvador concerned with housing: the Office of the Deputy Minister of Housing and Urban Development; the National Public Housing Fund; the Social Housing Fund; and the Liberty and Progress Institute. Each of these discharges specific functions, catering for a particular segment of the impoverished population that need State support to gain access to adequate and affordable housing with secure legal title.

321. The Office of the Deputy Minister of Housing and Urban Development annually monitors aspects of the situation in the housing sector, such as growth in the number of dwellings, habitability in households, overcrowding and lack of access to basic services. The calculations are made on the basis of household surveys and national censuses. The principal aim is to determine the housing deficit, which is calculated on the basis of criteria defined by the institution.

322. In 2007, the Ministry of Economic Affairs, through the agency of the Directorate-General for Statistics and Censuses, conducted the Sixth Population Census and Fifth Housing Census (the previous one had taken place in 1992). The latest census recorded a total of 1,406,485 households. The housing stock comprised 1,668,227 dwellings, 1,372,853 of which were in a state of human occupancy. (The processing of statistical data detailed in table 13 of annex I is based on these data.)

323. The Office of the Deputy Minister is responsible for formulating and implementing the National Housing and Urban Development Policy and preparing national and regional plans and general provisions that are compulsory for all housing estates, allotments and buildings throughout the country. It also develops human settlement programmes and targets benefits to enable families with incomes not exceeding twice the minimum monthly wage to attain a better standard of living.

324. Against this background, in the period 2005–2010 the Office of the Deputy Minister implemented the first phase of the housing programme, in which it sought to develop a number of sustainable housing policy instruments designed to improve the capacity of the housing sector in El Salvador and meet the demand for housing among the different income groups in the urban population fairly and efficiently.

325. The programme is made up of two subprogrammes:

(a) A formal market, operated jointly by the Multisectoral Investment Bank and the Social Housing Fund, with two components:

(i) Strengthening of the mortgage market to enable more Salvadorans to gain access to housing, and also to revive the construction industry with the participation of private banks and State institutions;

(ii) Institutional and financial strengthening of the Social Housing Fund with a view to safeguarding the medium-term sustainability of the institution, to be achieved through greater efficiency and thus ensure access to housing for the lower-income groups;

(b) An informal market, operated jointly by the Office of the Deputy Minister, National Public Housing Fund and the Liberty and Progress Institute, within which a housing benefit system has been developed for families with low incomes or victims of natural disasters, accompanied by the securing of legal title to properties.

326. The “informal market” subprogramme has six components. The first (subsidies for the improvement of poor districts) is designed to introduce a system of subsidies to improve access to basic services for poor urban districts and enhance municipalities’ capacity to implement housing projects. Thirty-nine projects have been implemented in 39 communities in 28 municipalities and 13 of the 14 departments; they have benefited 8,626 families and a total number of 36,229 direct beneficiaries.

327. The second component (subsidies for reconstruction) has channelled subsidies into the provision of permanent housing for families with incomes not exceeding twice the minimum wage which were affected by the earthquake. Nationwide, 2,918 dwellings have been built under this component, benefiting 12,349 persons in all. The third (legalization of land tenure) is designed to expand the scale and improve the efficiency of programmes to establish legal title to land and reduce illegal land holding in poor urban districts; legal title has been awarded in 26,817 cases to a like number of families comprising in all 109,985 persons. In addition, 24,602 building plots have been the subject of legal scrutiny as a preparatory measure for the building lot regularization project. Of the total number of beneficiaries during this period, 39.04 per cent were men and 60.96 per cent women, residing in 146 municipalities located in the country’s 14 departments.

328. The fourth and fifth components (building plots market and modernization of the Office of the Deputy Minister, respectively) are concerned with the preparation of technical instruments to facilitate management of the sector. Lastly, the sixth component (emergencies) has permitted the provision of assistance to families with incomes of up to twice the minimum wage who have been affected by natural disasters, and particularly by the eruption of the Ilamatepec volcano and Hurricane Stan in 2005; the assistance given has taken the form of individual or group grants enabling the families concerned to leave the



danger zones. Under this component, 1,787 permanent dwellings were built, benefiting a total of 7,505 persons.

329. At present the Office of the Deputy Minister is awaiting for the Legislative Assembly to approve a loan to fund the second phase of the housing programme. At the same time, work is progressing on the selection of the communities who will benefit and the technical formulation of the projects to be executed once the second phase is approved, for which purpose it will receive non-reimbursable technical cooperation funds provided by Japan and administered by the Inter-American Development Bank (IDB). In the second phase it is hoped to continue assisting more poor families with incomes of up to four times the minimum wage by a variety of measures such as flooring improvements (replacement of earth by cement floors), comprehensive improvement of precarious urban settlements and replacement of dwellings destroyed by natural disasters and/or in danger zones. The measures are to be financed by direct grants to families with incomes of up to twice the minimum wage who can prove they have the necessary savings and meet the qualifying conditions for a loan.

330. During its 36 years of existence and up to June 2010 the Social Housing Fund, which is a State credit institution, had financed 250,600 loans totalling \$1,715.8 million for 1,248,000 Salvadorans. During the period from 2005 to June 2010, 37,459 housing loans were made to a like number of families and totalling \$401.1 million. Of these loans, 65.4 per cent were to Salvadoran workers with incomes of 2.5 times the minimum wage (\$519) or less, thus making a significant contribution to reducing the country's housing shortage.

331. In the area of risk management the Government, through the agency of the Office of the Deputy Minister, is promoting a comprehensive strategy covering the emergency phase, followed by a rehabilitation phase and ending with continuous and multilateral reconstruction and other measures in parallel with the full participation of other agencies of State, municipal governments and the beneficiary population. During the first year of office of the present Government, following the passage of Hurricane Ida in November 2009, the Office of the Deputy Minister is offering a structured, expeditious and orderly response, caring for over 3,000 persons, mainly in the affected departments of San Vicente, La Paz, Cuzcatlán, San Salvador and La Libertad, whose dwellings have been completely destroyed. By May 2010, the construction of 673 temporary dwellings (more than the target set) was nearing completion, and arrangements were being made to allocate land for the relocation of the families concerned in settlements at risk of subsidence, landslides and flooding. Contributions for both temporary and permanent dwellings were also received from national and international cooperation agencies.

332. Mention should also be made of the "floor and roof" programme which the Government has planned for the period 2009–2014. This programme consists of the introduction of subsidies for improvements in housing conditions of the population in municipalities with extremely severe poverty levels through the improvement of floors and roofs; in some cases it has participated in the design of housing of a removable or permanent type. Under the programme, it is planned to provide at least 20,000 dwellings in municipalities with extremely severe poverty levels. The Government has already approved \$5 million for the execution of projects to be concentrated in 10 municipalities with extremely severe poverty levels in the Chalatenango and Cabañas departments. To facilitate achievement of the five-year target set in the programme, arrangements are currently being made to make available funds from the Housing Phase II IDB Loan project (pending approval by the Legislative Assembly).

333. Another programme which will be carried out during the five-year period is the "Homes for All" social housing programme. It seeks to establish short-, medium- and long-term bases which will enable every Salvadoran to obtain decent housing in a secure and

inclusive environment; subsidies will be directed to families with the fewest financial resources. The aim of the programme is to construct 25,000 dwellings for low-income families with the intervention of and contributions from private enterprise, private banks and government agencies. During the first year of office of the Government, 798 dwellings were built in 16 municipalities; the construction was financed by the Government of El Salvador, the IDB (Loan 1379 OC/ES, first phase of the housing programme) and a donation from Morocco. Once the second phase of the housing programme has been approved, the Office of the Deputy Minister, using funds obtained from this loan, will undertake the task of building 4,000 dwellings by 2014, at the same time undertaking other activities in the housing sector whose funding it administers.

334. With regard to accessibility of housing by persons with disabilities, chapter III, article 2, of the Equal Opportunities for Persons with Disabilities Act provides: "The bodies responsible for authorizing urbanization plans and projects shall ensure that new constructions and extensions or renovations of buildings, parks, pavements, gardens, squares, routes of sanitary services and other publicly or privately owned spaces where persons are likely to congregate or services are rendered to persons with disabilities offer access to them or the services rendered there..." In this context the Office of the Deputy Minister of Housing and Urban Development is responsible for ensuring compliance with the Act with regard to accessibility of the infrastructure of public and private buildings in the building projects it authorizes; this task is performed by the citizen support and construction formalities management unit of the Office of the Deputy Minister.

335. In addition to the Equal Opportunities for Persons with Disabilities Act and its accompanying regulations, the Office of the Deputy Minister has produced a set of technical guidelines on accessibility in urban planning, architecture, transport and communications, which acquired official status in May 2003.

336. The Ministry of Public Works is working on two important projects: (a) a law on the elimination of architectural and urban barriers and on the use of public spaces in El Salvador, which seeks to guarantee access for persons with disabilities, and (b) the Inclusive Cities project, which is part of the First National Accessibility Plan, the mechanism through which the Ministry aims to engineer the systematic transformation of urban infrastructure and environments through the implementation of Design for All.

337. With regard to housing construction in contaminated areas, the regulations accompanying the Development and Land-Use Act, Title Three: Environmental Regulations; Chapter I ("Restricted development areas and areas unfit for urban development") and Chapter II ("Environmental impact") provide that any San Salvador metropolitan area development and land-use project must evaluate the environmental impact of the development on the natural environment of the site concerned. On the basis of a technical study, the plan will contain for each restricted development area quantified rules and measures to minimize harmful effects on humans and the environment, which projects located in those areas will have to comply with.

338. The management of the environment is governed by the Environment Act, which establishes as policy instruments environmental codes within national and regional development and land-use plans, evaluation of and information on the environment, population participation, environmental incentive and disincentive plans, the El Salvador Environment Fund and all other programmes involving the financing of environmental projects, science and technology applied to the environment, environmental education and training, the Environment Strategy and its Plan of Action. All these elements are used as a basis for issuance or refusal of environmental permits for specific investment projects; they are also used to designate activities, works and projects for which environmental studies will be required, thus establishing their viability, the risks inherent in them and measures to palliate them.



339. One example of the measures taken in this field relates to the contamination caused by the company Record, in the San Juan Opico area of La Libertad Department. In September 2010, the Ministry of the Environment and Natural Resources, in coordination with other State agencies, closed five wells contaminated with lead and restricted the use for cultivation of a strip 1,030 metres long bordering on the north-west section of the Baterías de El Salvador factory between Colonia Prados II and Colonia Sitio del Niño in San Juan Opico.

340. These arrangements form part of the initial measures taken to give effect to the interministerial decision (Executive Decree No. 12, signed on 19 August 2009, in force for six months) signed by the Ministry of the Environment and Natural Resources, with support from the Ministry of Labour and Social Security, the Ministry of Health and Social Welfare, the Salvadoran Social Insurance Institute, the National Aqueducts and Quarries Administration, the National Public Housing Fund, the National Civil Police and the Secretariat for Social Integration.

341. The decree states that during July and August of this year, in the zone identified as Cantón Sitio del Niño in the jurisdiction of San Juan Opico in La Libertad Department, it was confirmed, by determination of the concentrations of lead in water and soil samples, that there was persistent environmental lead contamination at levels constituting a danger to the health of the population, and that consequently the zone was in a state of environmental disaster, which, in accordance with article 54 of the Environment Act and article 78 of the associated General Regulations, made it appropriate to declare a state of environmental emergency with a view to adopting assistance measures, mobilizing human and financial resources and taking other measures to support the affected population and mitigate the environmental damage caused.

342. Article 2 of the decree states that, to mitigate the damage to the environment and the health of the population, the following initial measures and actions will be taken:

- (a) Specialist health care for the affected and exposed population groups;
- (b) Supplies of safe water for human consumption;
- (c) Sealing with asphalt of 1,300 metres of roadways and tracks around the installations of Baterías de El Salvador;
- (d) Restrictions on access and use in the zones where the soil contains lead concentrations at levels dangerous to health;
- (e) A declaration of unfitness for habitation of dwellings where the floors contain lead concentrations at levels dangerous to health;
- (f) Closure of artesian wells in which the lead concentrations exceed the maxima permissible under the Salvadoran mandatory drinking water standard (0.01 mg/l).

343. The Office of the Deputy Minister of Housing and Urban Development has no statistics specifically on the subject of disadvantaged or marginalized groups such as ethnic minorities, especially those affected by forced eviction. The multipurpose household surveys and censuses which are the sources of statistical information used by the Office of the Deputy Minister do not collect information of this type.

344. The Office of the Deputy Minister of Housing and Urban Development has no statistics specifically on the subject of the numbers of individuals and families evicted from their dwellings during the last five years. The multipurpose household surveys and censuses which are the sources of statistical information used by the Office of the Deputy Minister do not collect information of this type.

345. Concerning the observation of the Committee on the need to take the necessary steps to guarantee the right to housing, paying special attention to risk areas (E/C.12/SLV/CO/2, para. 39), the Office of the Deputy Minister of Housing and Urban Development ensures that dwellings are constructed in accordance with the standards established to make them earthquake-resistant. El Salvador is in a highly seismic zone and has recognized the need to have instruments guaranteeing structural safety in buildings. Following the 1986 earthquake, regulations governing the structural safety of buildings were issued in 1996, special housing design and construction standards were issued in 1997, and the general housing standards were revised and modernized in 2003, primarily with the aim of minimizing the risk of building collapse and loss of human life and establishing minimum requirements to govern the earthquake-resistant aspects of new buildings and the repair of buildings struck by earthquakes.

346. Although hurricanes do not occur in the country, housing construction complies with the standards established to ensure resistance to them. Technical design standards for wind have been introduced on account of the constant occurrence of climatic events such as excessive rainfall. The standards are designed to minimize or diminish the effects of these events.

347. To counteract and prevent the effects of earthquakes the Office of the Deputy Minister for Housing and Urban Development, acting through the Investigation and Urban Development and Construction Standards Unit, is continuing to concentrate efforts on the international technical cooperation programme to improve technology for the construction and wider use of earthquake-resistant social housing (TAISHIN Phase II).

348. With regard to technical cooperation, work is proceeding, with the participation of the Governments of Japan and Mexico, on capacity-building for the country's social and economic development. Training is being given to teaching staff of the José Simeón Cañas Central American University, the University of El Salvador, staff members of the Salvadoran Foundation for Development and Minimum Housing, the Salvadoran Construction Institute, and the Office of the Deputy Minister for Housing and Urban Development in Japan, Mexico and other countries, the intention being that during and by the end of the project a sustainable information technology system that will disseminate the earthquake-resistant popular housing programme to all stakeholders in Salvadoran society will have been developed, set up and brought into service. Work is also in under way to update and formalize the technical instruments (regulations, technical standards and technical manuals) for different social housing construction schemes, based on experimental research. Some of the instruments will be obligatory and others discretionary.

349. Another task will be to enhance the administrative capacity of the Office of the Deputy Minister and local authorities in the area of knowledge of the behaviour of social housing in earthquakes; and finally, the equipment in the laboratory specializing in the study of large structures donated for the Central American University and the University of El Salvador should be used for teaching and continuing research of national interest with experimental investigation into earthquake resistance and new construction systems for social housing and other types of buildings.

350. As part of the Homes for All programme, projects for national and international investigations into new and alternative building systems and materials for application to social housing are being reworked and approved.

351. The Government is currently developing a system to manage non-reimbursable funds with international organizations to replicate earthquake-resistant social housing projects, applying the technology of the TAISHIN Phase II programme, to contribute to poverty reduction and promote a general awareness of seismic problems. These projects are to be developed as pilot projects consisting of 50–100 dwellings, in coordination with, and



with the participation of, communities, local governments, non-governmental organizations and central government. The building techniques to be used are: (a) panel blocks; (b) reinforced adobe; (c) fully reinforced concrete blocks; (d) masonry panels set in frames with cement flooring.

352. El Salvador has a National Land-Use and Development Plan as well as a set of regional land development plans, which are planning instruments designed to ensure the orderly physical development of the regions. They describe the potential and weak points of the region and contain maps showing the land-use master plan to avoid construction of housing in areas vulnerable to the impact of natural disasters. Thirteen of these plans, covering 96 per cent of the country, are now complete and one is in the final drafting stage with the review of the final report of the study; completion is planned for December 2010. The current commitment is to continue with the revision and socialization of land-use planning at national and regional levels and to pursue a process of strengthening and transfers of knowledge and capacities for land-use management to local authorities and *mancomunidades*<sup>50</sup> to enable them to understand, apply and use these plans for the development of their local plans in pursuance of the decentralization of powers. In all these plans (both national and regional) there is a cross-cutting risk management component. However, it must be pointed out that although the technical instruments mentioned above are available, they do not have the legal sanction which would give them the status of official documents; thus they are used solely as technical references for the exercise of the powers of the Office of the Deputy Minister in the area of land-use control.

353. To a considerable degree, work has been focused on the establishment of land-use planning and management offices for the La Libertad, La Paz and Trifinio regions and coordinating activities with those of the Valle de San Andrés and La Unión regions, thus continuing with the process of the transfer of powers and capacity-building for implementation of the land-use plans of the regions concerned.

354. At present, to ensure suitable use of land throughout the country, the Office of the Deputy Minister continuously monitors users when issuing permits for the orderly and planned execution of urban developments, allocation of parcels and construction works as defined in the Urban Development and Construction Act and its accompanying regulations.

355. In addition, the land-use and development plans are supported by technological platforms, for which inter-institutional geographical information has been produced in the following fields: design of land-use information systems in the land development plans for the San Miguel and San Salvador regions; and installation of the land-use information system in the decentralized regional offices of the Office of the Deputy Minister in the central and western regions. In the decentralized land-use planning and management offices for the La Libertad, La Paz and Trifinio regions a project for receipt of plans in geographical digital format has been implemented; manuals have been prepared for technicians and users for design purposes, and the decentralized regions were equipped to receive such plans, while the maps showing land-use master plans have been standardized and brought into line with other land development plans in the Usulután, Valle de San Andrés, Sonsonate and Santa Ana-Ahuachapán regions.

356. The Government has given priority to the promotion of viable strategies permitting enhancement of the right to and access to land to facilitate productivity over the long term and reduce the likelihood of negative impact on the environment and a worsening of poverty and marginalization.

<sup>50</sup> Free associations of municipalities.

357. The principal challenge facing the Government is that of access to land for members of poor rural families whose aspirations cannot be satisfied owing to the high cost of land, the impossibility of obtaining long-term credit, the lack of enforcement by the State of the legal provisions regulating land purchases and sales, and also the high cost of services giving legal title to land compared with the average income of the population.

358. With the foregoing in mind, the Government has drawn up a plan of inter-institutional action with the participation of the Salvadoran Institute for Agrarian Reform, the Office of the Deputy Minister for Housing and Urban Development, the Bank for Agricultural and Livestock Development, the Multisectoral Investment Bank and the National Registry. The aims of the plan are to bring down the cost of legalization services, make a special effort to avert land disputes, give poor families access to credit and grant legal title in private developments. The projections for grants of loans for the purchase of land or property are: for 2010, \$3.5 million, 72 loans; for 2011, \$4.2 million, 86 loans; for 2012, \$5.0 million, 103 loans.

359. Other measures which the Government will continue to promote include: the continued issuance of title deeds to beneficiaries through the rural solidarity, new options and landless peasants programmes (which are under way); standardization of the process of registration of deeds in the register of title and mortgages, and reduction of the average time taken for registration to 13 working days; the adoption and implementation of the special law on the subdivision of land for development; and the development of a support programme to fund land tenure and productive investment with guarantees, with particular reference to vulnerable sectors (agrarian reform sector, ex-patrolmen, indigenous inhabitants, women and other vulnerable population groups) with the participation of the Multisectoral Investment Bank and the Agricultural Development Bank. In addition, it is intended to announce credit lines for the financing of purchases of land for productive purposes and increase the number of loans granted for the purchase of buildings for productive purposes through the 23 branches of the Agricultural Development Bank.

360. With regard to access to land, between January and August 2010, the Agrarian Transformation Institute, acting for the Government, delivered 7,047 title deeds and has set itself a target of 12,000 by the end of the year.

361. The Office of the Deputy Minister of Housing, for its part, has put the finishing touches to the preliminary draft of a special law on the subdivision of land for development to deal with the country's serious land division problem. For many plots there is no legal title, which can affect families purchasing housing in vulnerable zones. The aim is to guarantee the right of ownership to any person purchasing a plot of land.

362. Other measures which the Government will continue to promote include: the continued delivery of title deeds to beneficiaries through the agency of the rural solidarity, new options and landless peasants programmes (which are under way); standardization of the process of registration of deeds in the register of ownership and mortgages, and reduction of the average time taken for registration to 13 working days; the adoption and implementation of the special law on the subdivision of land for development; and the development of a support programme to fund land tenure and productive investment with guarantees, with particular reference to vulnerable sectors (agrarian reform sector, ex-patrolmen, indigenous inhabitants, women and other vulnerable population groups) with the participation of the Multisectoral Investment Bank and the Agricultural Development Bank. In addition, it is intended to announce credit lines for the financing of purchases of land for productive purposes and increase the number of loans granted for the purchase of buildings for productive purposes through the 23 branches of the Agricultural Development Bank.



**Article 11, paragraph 2**

363. On 16 October 2009, by Executive Decree No. 63/2000, the National Food and Nutrition Security Council was established with the aim of beginning a process of consolidation and institutionalization of food and nutrition security in El Salvador with an intersectoral focus and within the framework of the right to food. The Council consists of the Secretariat for Social Integration, the Technical Secretariat of the Office of the President, the Ministry of Agriculture and Livestock, and the Ministry of Health and Social Welfare.

364. The Council is an expression of the political will of the Government to combat hunger and undernourishment without further delay; it constitutes a recognition that food and nutrition security is not only a moral imperative but also a precondition for economic and social development. It is a national initiative in which international organizations, non-governmental organizations, private enterprise and civil society can participate by helping to define the main thrusts of the policy and to implement and monitor the policy.

365. As the coordinating body of the National Food and Nutrition Security Council, the Secretariat for Social Integration has established the process for the “formation of a policy, a plan and a national legal framework for the institutionalization of food security in the country” which seeks to supersede the viewing of individuals as “beneficiaries” of social assistance programmes and envisage them as full rights-bearers. With this approach in mind, the process begins with the participation of the holders of the right to food, not as objects of charity, but as subjects of the process. Efforts are being made to include vulnerable groups in the process and to involve citizens more closely, especially to guarantee the social, political and financial viability of the strategies defined.

366. Measures are being implemented by the Ministry of Agriculture and Livestock to ensure an adequate food supply. These measures are set out in the strategic plan for the development of the expanded agricultural and livestock sector and the rural environment for 2009/10 (“Agriculture and Food for All”), which includes the agri-food programme specifically designed to ensure sufficient quantities of quality food for the population.

367. In its strategic plan for the sector, the Ministry of Agriculture and Livestock formulates policy on matters such as the creation of a strategic food reserve to ensure food security and stability within the country and the introduction of strategic measures such as price monitoring, promoting the use of silos, setting up a monitoring and early warning observatory to guarantee food security, building up food stocks and establishing an emergency food security fund. These strategic measures are envisaged in the food security programme.

368. Other policy measures contained in the food security programme are the promotion of comprehensive and sustainable family farming systems to guarantee basic food supplies in the short term and the development of diversified agriculture and livestock-rearing cooperative projects that focus on the production chain.

369. In its strategic plan for the sector, the Ministry of Agriculture and Livestock defines, as one element of its strategy to remedy the lack of food security, support for family farming and access to safe and healthy food. It proposes interventions of different types at the regional level to target young people, adults, women and men. Thus in 2011 it will implement the programme to strengthen family farming and food and nutrition security, which will involve coordinated and complementary actions and possibly an adjustment of the programme’s intervention strategies and restructuring of its budget and organizational structure in line with a new development strategy based on support for rural families.

370. Implementation of the aforementioned programme will comprise five components: (a) technology transfers; (b) financing and incentives for family businesses; (c) marketing

and value chains; (d) community organization for land development; and (e) strengthening operational and coordination capacities by providing financial, material and trained human resources to carry out programme activities effectively and efficiently and to build and coordinate alliances between public bodies and other public or private bodies.

371. Other measures taken by the Ministry of Agriculture and Livestock include a rural reconstruction and modernization programme, which is being implemented in the central and western regions. Its general aim is to improve the long-term social and economic conditions of the target group, by increasing its access to trade and markets; this will involve reconstruction, rural modernization and the strengthening of the Ministry of Agriculture and Livestock. Some 8,011 families have derived direct benefit, and 60,514 persons indirect benefit, from this programme.

372. The rural modernization and development project for the eastern region is also proceeding. The general aim of this project is to significantly improve the income levels and living conditions of men, women and young persons engaged in production, micro-entrepreneurs and workers in the eastern region of El Salvador. It involves the development of human and social capital, the promotion of rural businesses and the rehabilitation and management of natural resources and the environment. The project has already benefited 73,000 users (33,000 directly and 40,000 indirectly).

373. Since the presidential programme for the distribution of agricultural inputs was launched, a total of 587,209 packages of basic seeds and fertilizers have been distributed, 407,761 for maize cultivation, 168,788 for beans, 8,956 for sorghum and 1,704 for rice. This programme has helped to improve the food security of 1,834,925 persons. Another measure adopted has been the manufacture of 17,874 metal silos for the safe storage of basic seeds, which has increased storage capacity by 321,732 quintals.

374. A pilot programme for family-run aquaculture enterprises has also been carried out; 88,380 fry for tilapia farming have been distributed in various communities in the eastern, central and western regions to diversify the population's diet and provide additional income sources for rural families; 391 small aquaculture producers have benefited.

## Article 12

### Article 12, paragraph 1

375. Immediately on coming to power, the present Government, in response to the health needs of the population, decreed that health services should be free of charge at primary, secondary and tertiary levels and that, in keeping with a constitutional requirement, all public health-care establishments should provide health care to any person requesting it without any distinction whatsoever.

376. The Ministry of Health and Social Welfare, the body responsible for health matters at national level, has done a great deal to include and promote health as a central component of the economic and social development strategy. To this end, by Executive Decision No. 126, published in the *Diario Oficial* of 17 February 2010, it established the National Health Policy, which maps out the move towards an integrated health-care system in El Salvador.

377. The current National Health Policy identifies 25 strategies and areas for action, which in the first phase of the reform are combined within eight central strategy themes. One of the components is a "national health system based on comprehensive primary health care"; this means refocusing the national system on comprehensive primary health care as a key strategy for reaching the Millennium Development Goals and tackling health determinants and inequities effectively.



**Article 12, paragraph 2**

378. To comply with the constitutional requirement of guaranteeing access to health services as a fundamental human right, in accordance with the principles of solidarity, equity and universality with quality and timeliness, the Ministry of Health and Social Welfare has begun to implement the Communities Family Health Model based on comprehensive primary health care ("APS-I"), which will permit coverage of the entire population through comprehensive and integrated health networks, promoting joint responsibility and social control in health matters, with the aim of improving the living conditions of the population, guaranteeing access to health services and bringing the latter closer to the people, particularly socially excluded population groups.

379. At the primary health-care level, the network consists of community family health teams and specialized community family health teams. At the secondary and tertiary levels, the public hospitals in the integrated health services network, defined as secondary- or tertiary-level hospitals, will, under the new model, direct their attention to defining the services which each will provide on the basis of epidemiological profiles and geographical location.

380. In 2010, 74 municipalities in eight departments benefited from the scheme. Of these, 53 were identified under the Rural Community Solidarity Programme as having extremely severe and high poverty levels and two under the Urban Community Solidarity Programme; nine of the municipalities had high malnutrition levels. In all, 176,472 families with a total of 643,795 persons, 84 per cent living in rural and 16 per cent in urban areas, were covered by the scheme.

381. The National Health Policy also envisages improvements at secondary and tertiary levels, i.e. in public hospitals in the integrated health services network, which will provide services in line with an epidemiological profile of the geographical area concerned. The policy envisages that the three tertiary-level hospitals in the country should concentrate solely on the most complex consultations and surgical procedures; this in its turn implies strengthening the human resources in the three hospitals concerned.

382. The policy also envisages a response to the demand for medicines and vaccinations (the Ministry of Health and Social Welfare has drawn up a national medicines policy, which in October 2010 was at the public consultation stage). In addition, the expanded immunization programme is to be made financially sustainable, and vaccination against pneumococcus is being introduced.

383. Other measures included in the policy are:

- (a) The establishment of the National Health Forum (launched on 28 May 2010);
- (b) The setting up of an intersectoral National Medical Emergency Scheme designed to substantially reduce mortality and post-trauma sequelae caused by systemic illnesses<sup>51</sup> and events caused by lesions sustained from external sources;<sup>52</sup>
- (c) The development of a unified strategic information system;
- (d) Progressive interlinking of the Salvadoran Social Security Institute with other public health-care providers;

<sup>51</sup> Such as myocardial infarction, respiratory distress syndrome and complications during pregnancy.

<sup>52</sup> In El Salvador, most lesions sustained from external sources are due to acts of violence or traffic accidents.

- (e) Creation of the National Health Institute and strengthening of the laboratory network;
- (f) Creation of the School of Health Governance.

384. The health model based on comprehensive primary health care, which the Ministry of Health and Social Welfare will implement, will permit coverage of the population at various stages of people's lives through comprehensive and integrated health networks. The aim is to improve the living conditions of the population, guarantee access to health services and bring the latter closer to the people, particularly socially excluded population groups.

385. To this end, the institution has undertaken an analysis of present capacity. The analysis revealed a major deterioration of infrastructure and equipment in the majority of establishments, together with serious shortages of human resources, which have severely limited the treatment capacity that would be expected in primary-level care. In this situation, a nationwide project has been launched to provide "support for primary-level care and Ministry of Health hospitals". The project has four components: (a) procurement of medicines for secondary-level hospitals; (b) procurement of nutritional supplements for children of low height-for-age in poor areas; (c) procurement of medical equipment and furnishings for 15 secondary-level hospitals; and (d) acquisition of land for the new maternity hospital.

386. As mentioned in the previous section, one of the first measures taken by the present Government was to eliminate "voluntary contributions" and all other forms of payment in the public system. The abolition of these payments necessitated a series of measures to estimate the financial shortfalls and to manage and allocate resources so as to ensure adequate numbers of health personnel and supplies of medicines in the public services. The abolition of voluntary contributions resulted in an increase in demand for public services (in addition to the increase in demand arising from factors associated with the influenza epidemic); this confirmed the earlier assessment that the cost of these contributions was a serious obstacle to access to health services for a substantial proportion of the country's population.

387. In the warehouses where the reception and administration of medical and non-medical products are centralized, efforts have been made to speed up procedures by implementing continuing training programmes for personnel in a number of fields, including good practices relating to the storage, reception, control and dispatch of supplies.

388. Physical observations and inventory updates have taken place in the different higher-level administrative sections, and standardized procedures have been introduced in the regional health directorates and national hospitals. Also, to standardize purchasing processes, administrative guidelines have been drawn up on the procurement and hire of goods, works and services; the guidelines are being put into practice by the higher-level Institutional Procurement and Hire Unit with the aim of substantially improving both the processes themselves and the quality of the supplies procured, with clear definitions of technical specifications, and ensuring compliance with laws and regulations.

389. The Ministry of Health and Social Welfare and the Ministry of Education are both aware that improving the health and educational standards of the Salvadoran population is a priority for both of them. In March 2010, they concluded a formal agreement on every aspect of cooperation in the areas of health and education concerned with promotion, prevention, control, cure, rehabilitation, follow-up, teaching, training and investigation of events in the health conservation sphere, and on strengthening the organization and participation of the population through joint action by the health and education systems. This coordination will help to ensure better compliance with the requirements of the Child and Adolescent Protection Act.



390. On the subject of maternal health, while it is recognized that the decline in fertility and the increase in the timely and proper use of health services for women, particularly maternal health services, are key factors in reducing maternal morbidity and mortality, it must nevertheless be pointed out that the vulnerability of women to morbidity and mortality is not confined to pregnancy and childbirth. For instance, cervical cancer and cancer of the womb are still having grave repercussions throughout the world, particularly in developing countries.

391. According to the 2008 National Family Health Survey, 87 per cent of all women aged between 15 and 49 years with sexual experience had had a Pap test at some stage: 68 per cent within the past two years and 45 per cent within the past year. Some 83 per cent of the women knew the results of their most recent test, but only 43 per cent knew within one month of taking the test. In the area of breast cancer prevention, 45 per cent of women between the ages of 15 and 49 had been taught to conduct breast self-examinations; 3 out of 4 had performed the examination at some stage, 62 per cent had done so during the previous year, 54 per cent during the previous 2 months and 31 per cent during the previous month.

392. With regard to live births during the period April 2007–March 2008, 94 per cent of the mothers had undergone at least one prenatal medical examination. In compliance with the Ministry of Health and Social Welfare technical guidelines, 77 per cent had the first examination before the fourth month of pregnancy and 78 per cent had at least five examinations, but only 70 per cent met both criteria. The proportion of women registering before the fourth month of pregnancy and undergoing five or more examinations varied, from 76 per cent in urban areas to 65 per cent in rural areas. This indicator ranged from 76 per cent for first births to 46 per cent for the sixth birth or higher and from 73 per cent in the group giving birth between the ages of 20 and 34 to 57 per cent in the group giving birth between the ages of 35 and 49. This means that the women at greatest risk, on account of several births or age (35 years or over), receive the fewest early and regular prenatal examinations.

393. Of the women who have given birth at least once during the past five years, 59 per cent received at least two doses of tetanus toxoid during pregnancy, and 85 per cent of births took place under in-patient hospital care (the figures ranged from 94 per cent in urban areas to 76 per cent in rural areas).

394. The Pan-American Health Organization (PAHO), in its plan for the reduction of maternal mortality, states that the rate of Caesarean births should be of the order of 5–15 per cent; a rate lower than the minimum would be indicative of inadequate access to the procedure, while a rate above the maximum would indicate that excessive use was being made of it, i.e. it might be performed unnecessarily. Since January 2005, 25 per cent of all births in El Salvador have been by Caesarean section (16 per cent were emergencies, 9 per cent planned). A comparison with the figures from the 1998 household census shows a rise from 16 per cent to 25 per cent (an increase of 9 percentage points in 10 years); the increase is mainly due to deliveries classified as emergencies (from 9 to 16 per cent).

395. According to the 2008 household census, 59 per cent of mothers (66 per cent in urban and 51 per cent in rural areas) underwent postpartum examinations. Although the Ministry of Health technical guidelines stipulate that the first postpartum examinations should take place during the first six weeks following childbirth, coverage of this service is estimated at only 53 per cent, with a difference of 14 percentage points in favour of women in urban areas (60 per cent, as against 46 per cent in rural areas).

396. All the indicators, with the exception of that for use of the Pap test, have shown improvements during the last five years (between the 2002/03 and the 2008 national family health surveys); the indicator for in-patient hospital care of births stands out from the others

with a 15 per cent increase. Attention should also be drawn to the increase in the indicators for prenatal examinations, and particularly that for early birth registration, which rose by 11 points between the two surveys. One factor in these changes may be the decline in the fertility rate. The situation was the opposite with regard to the indicators of early detection of cervical and uterine cancers; the figures for the most recent cytologies during the last two years showed practically no change, while the figures for the years immediately preceding each survey showed a downward trend. There was a modest 5 per cent increase in the use of postpartum examinations within the six weeks following birth; nevertheless, it is still the least used maternal health service in El Salvador.

397. Comprehensive health care for Salvadoran children is a priority concern for the present Government. The Ministry of Health and Social Welfare strategic plan for 2010–2014 contains three impact indicators: the reduction in neonatal mortality, mortality and mortality among under-fives. This is all directed towards the attainment of Millennium Development Goal 4 and compliance with article 24 of the Convention on the Rights of the Child.

398. At every level of care, the Government is implementing the national comprehensive child health-care programme, which covers children from week 22 in the womb up to the age of 9 years. At every level, priority is given to children in initiatives to manage and continuously improve the quality of care and to develop the full potential of boys and girls, offering them the chance of a decent present and a healthy future leading to sustainable human development, governance and peace in the years to come.

399. Epidemiological health monitoring and the information systems of the Ministry of Health and Social Welfare have enabled the Ministry to focus on the principal health problems of Salvadoran children and to complement the Government's efforts under its poverty eradication programme. Thus, more attention has been paid to the foetus, newborns and small infants, who currently have the highest mortality rate. It should be mentioned that 95 per cent of maternity hospital staff have been trained in neonatal reanimation and that all labour rooms contain the equipment needed to treat and stabilize an asphyxiating newborn baby and transfer it to a hospital with more sophisticated facilities.

400. With the aim of reducing infection during the neonatal period, measures have been taken to improve hand-washing practices and the use of sterile materials when treating patients, so as to reduce sepsis among babies less than 28 days old. It is recognized that premature birth and congenital malformations are among the principal causes of mortality, morbidity and disability; this is confirmed by the epidemiological post-transition events which at present affect neonatal and perinatal health.

401. The picture described above shows there is a need to strengthen the measures to address the problems faced. These include inoculation (a new vaccine against pneumococcal infections and influenza type-A H1N1 has been introduced), micro-nutrition supplements, the fight against smoking and drug addiction, the quality of prenatal examinations for purposes of early detection and the strengthening of neonatal and surgical services for treatment. The Ministry of Health and Social Welfare has created a programme for the treatment and monitoring of premature babies, referring them back to hospitals with less advanced facilities in order to lessen the burden on the Maternity Hospital and the Bloom Hospital and bringing the services closer to users' places of origin, where they can receive the family support that is crucial for overcoming these problems.

402. As regards monitoring and control of the growth and development of children under 5 years of age, although the majority (97 per cent) of the population reports having made use of these services, only 6 out of 10 users were registered during the month following birth; this implies that the same proportion of users received "care for the newborn". The majority (79 per cent) underwent their first examinations in establishments



run by the Ministry of Health and Social Welfare, the actual proportions varying from 91 per cent for persons residing in rural areas and 66 per cent for urban residents.<sup>53</sup> The participation of the Salvadoran Social Security Institute in this service was highest (25 per cent) in urban areas.

403. On the subject of measures for the prevention, treatment and control of water-borne diseases, the Committee is referred to paragraphs 293–314 of this report.

404. In the area of immunization programmes, El Salvador's expanded immunization programme gives priority to measures designed to achieve universal vaccination coverage in order to reduce rates of morbidity and mortality caused by immuno-preventable diseases, in line with the efforts being made to meet national and international commitments to eradicate, eliminate and/or control these diseases. The programme seeks to maintain a vaccination coverage of 95 per cent in every municipality, continue to prevent transmission of the autochthonous measles virus and maintain the eradication of poliomyelitis, eliminate rubella and the congenital rubella syndrome, control neonatal tetanus, diphtheria, pertussis, hepatitis B, haemophilic influenza type B and rotavirus. Data on vaccination coverage can be found in annex I, table 14.

405. With regard to levels of immunization among children under 5 years of age, a comparison of the national family health survey data for 2008 with those for 1993, 1998 and 2002/03, reveals that coverage with BCG, polio, pentavalent (diphtheria, pertussis and tetanus (DPT)) and measles (MMR) vaccines had improved during the 15-year period; in 2008, coverage levels were similar in all areas of residence. Coverage for BCG increased by 12 percentage points, for polio by 13 and for pentavalent/DPT by 14, the increases being greatest in rural areas. The vaccine with the smallest increase was the measles/MMR vaccine, coverage of which increased by some 5 percentage points in every area of residence. On average, coverage of children aged between 12 months and 59 months by all four types of vaccine taken together has increased by 13 percentage points during the last 15 years to 90 per cent, thus reaching what may be considered "effective coverage". There are no differences by sex among children under the age of 5 years or by area of residence. An accurate indicator of immunization levels is the level of coverage with the three doses of the pentavalent/DPT vaccine, which for children under 1 year of age (6–11 months) was estimated in the 2008 national family health survey at 85 per cent.

406. The data on the administration of micronutrients indicate that 86 per cent of children under the age of 5 years received at least one dose of vitamin A and that 52 per cent received the final dose within the last six months. While administering the micronutrients, the Ministry of Health and Social Welfare investigated treatment for parasites and found that 74 per cent of children aged between 24 and 59 months had received at least one dose and that 50 per cent had received the final dose within the last six months.<sup>54</sup>

407. Objective No. 3 of the National Strategic Plan 2005–2010 is concerned with reducing the prevalence of HIV/AIDS among the more vulnerable population groups. During the last five years, the campaign on the prevention of HIV/AIDS and sexually transmitted infections (STIs) has been stepped up, with activities in the areas of information, education, services, knowledge, human resources training and financial investment.

408. During the period under consideration, governmental and non-governmental institutions have been encouraged to become more involved in efforts to prevent and treat AIDS and STIs among particularly vulnerable population groups. There are now 70

<sup>53</sup> Data supplied by the Ministry of Social Welfare.

<sup>54</sup> *Idem*.

governmental and non-governmental organizations implementing action plans concerned with the prevention and treatment of HIV/AIDS. At present, the HIV prevalence rate among the 15–24 age group stands at 0.03 per cent.

409. Objective No. 2 of the National Strategic Plan 2005–2010 is to increase the provision and coverage of comprehensive HIV/AIDS and STI prevention and treatment services. There are currently 18 hospitals in the national network which give antiretroviral treatment to persons with AIDS. A national evaluation survey of the Strategic Plan found that 100 per cent of the persons with AIDS who met the inclusion criteria were receiving antiretroviral treatment.

410. To guarantee a better response to the HIV/AIDS epidemic and ensure that sufferers from the disease receive comprehensive and adequate care, the Ministry of Health and Social Welfare proposes, in Strategy 15 (Sexual and Reproductive Health) of its plan “Building Hope. Strategies and Recommendations for Health 2009–2014”, to establish priority programmes on information and sexual and reproductive education for groups of all ages, from children of school age, pre-adolescents and adolescents to women, men and persons of diverse sexual orientations.

411. The recommendations set out in this strategy seek: (a) to draw up an intersectoral programme for sexual and reproductive education and the prevention of teenage pregnancies; (b) to safeguard the sexual and reproductive health rights of women on the basis of free will, the cultural and financial accessibility of contraception, and the early detection, follow-up and treatment of STIs, HIV and AIDS; and (c) detection and comprehensive care for women, girls and boys who have suffered physical, psychological and/or sexual maltreatment, and education and care in pre-conception, prenatal, perinatal, postnatal and inter-natal reproductive health.

412. In addition, 94 per cent of women diagnosed within the public health network receive antiretroviral treatment to reduce the risk of mother-to-child transmission. The first and second lines of care are the courses of treatment prescribed by the 18 hospitals offering antiretroviral therapy. First-line treatment is available to all patients requiring it; 88 per cent of adults and 68 per cent of children receive this treatment. Second-line treatment is given to 12 per cent of adults and 38 per cent of children. There are at present 5,143 HIV-positive persons receiving antiretroviral therapy.<sup>55</sup> An increase in the number of persons undergoing antiretroviral treatment was observed during the period 2005–2010.

413. Objective No. 7 of the National Strategic Plan 2005–2010 covers the promotion of human rights and gender equality with respect to the prevention, treatment and control of HIV/AIDS. One of its outcomes has been the establishment of the Legal Network, made up of institutions and organizations which promote and coordinate, together with the national HIV/AIDS programme, the monitoring of respect for human rights in relation to HIV/AIDS, thus reducing stigma and discrimination.

414. The national health system is currently being reoriented towards promotion and prevention; this change offers an opportunity and challenge for HIV/AIDS prevention.

415. Although the STI/HIV/AIDS component of the programme contains preventive measures, a national sexual and reproductive health policy is needed which covers HIV prevention and an approach to sex education in and outside of school. This entails action in coordination with the Ministry of Education and civil society organizations working in the communities (E/C.12/SLV/CO/2, para. 44).

<sup>55</sup> *Idem.*



416. The law on the prevention and control of infections caused by the human immunodeficiency virus is being amended to introduce elements it does not cover, such as recognition of persons of diverse sexual orientations (specifically transgender women), the treatment of corpses and access to HIV tests for adolescents, in order to ensure that all population groups are covered.

417. There is a post-exposure treatment protocol for the prevention of HIV among persons who have been victims of sexual abuse. The treatment is conducted in coordination with the Forensic Medical Institute, the Attorney-General's Office and the Ministry of Health and Social Welfare to ensure that treatment is received as soon as possible after the event, since prevention cannot be guaranteed after 72 hours have elapsed.

418. Steps have been taken to secure greater respect and care for persons in the lesbian, gay, bisexual and transgender (LGBT) community, with the establishment in May 2010 of the Sexual Diversity Directorate and the enactment of Executive Decree No. 56 against stigma and discrimination on grounds of sexual orientation and gender identity. There is close cooperation between the Ministry of Health and Social Welfare and the civil society organizations of sexual diversity groups and sex workers, working together to prevent STIs and HIV.

419. Regarding the Committee's recommendation that El Salvador should reform its abortion legislation and consider exceptions to the general ban on abortion in cases of therapeutic abortion and pregnancy resulting from rape or incest (E/C.12/SLV/CO/2, para. 44), the Constitution of the Republic has recognized a biological fact in stipulating that life, and the attendant right to live, commence at the moment of conception. Thus from the moment of fertilization of the ovum a human being exists and is protected by the law, and especially by the right to life; this is recognized in the constitutional reform promulgated by Legislative Decree No. 541 of 3 February 1999. Consequently the protection offered is extensive, and there can be no supposition that abortion has been legalized. Provision is made in national legislation for penal sanctions for anyone engaging in this behaviour, which is considered by definition illegal.

420. Although the Criminal Code penalizes abortion in absolute terms, a ruling of non-constitutionality handed down by the Constitutional Affairs Division of the Supreme Court of Justice dated 20 November 2007 (No. 118-1998) opens the possibility of a renewed debate on the scope of penal sanctions on abortion where it takes place in the context of a legitimate controversy over legal rights. The Ministry of Health and Social Welfare has therefore requested the Legislative Assembly to study the subject of therapeutic abortion with a view to introducing reforms to decriminalize it.

421. As regards medicines, overlapping duties and low capacities in the Ministry of Health and Social Welfare and the Higher Public Health Council have led to the absence of effective regulations, which has permitted the marketing within El Salvador of medicines of questionable quality and effectiveness and the arbitrary setting of high market prices by the pharmaceutical industry. The present situation has also led to possible conflicts of interest within the regulatory institutions.

422. One of the main events of the present Government's first year in power (June 2009–May 2010) was the preparation of a bill on medicines and health-care products to provide a legal framework for the regulation of all pharmaceutical and non-pharmaceutical products having direct implications for the health of the population. The bill covers their manufacture or import, registration, quality control, marketing, prescription, dispensation, advertising, etc. It provides for a single competent authority, which will be the Ministry of Health and Social Welfare, as this is the body that runs the national health system. The bill also calls for strict quality control of products both before and after their sale is authorized,

and full compliance with the best manufacturing practices drawn up by the pharmaceutical industry and approved by the competent authority.

423. The bill also contains a chapter on the creation of a price regulation scheme. The Ministry of Economic Affairs is given responsibility for preparing the analysis and making proposals for price control mechanisms in both the public and private sectors.

424. To ensure adequate treatment and care of persons with mental disorders, psychiatric centres have since 2004 been defining care processes based on protocols for mental health treatment, psychosocial care and psychiatric illness with a focus on rights, gender and the participation of users and their families.

425. The information on this article constitutes El Salvador's reply to the Committee's observation (E/C.12/SLV/CO/2, para. 43) concerning measures to consolidate a national health system based on equity and accessibility, in accordance with article 12 of the Covenant, and to guarantee essential health services for the entire population, in particular for vulnerable groups, by increasing the budget allocated for such purposes.

## Article 13

### Article 13, paragraph 1

426. The right to education and respect for human rights in El Salvador are enshrined in the Constitution of the Republic in Title II, Fundamental Individual Rights and Guarantees, Chapter II, Social Rights, Section 3, Education, Science and Culture, specifically in articles 35 and 53–64;<sup>56</sup> as well as in the General Education Act, the Child and Adolescent Protection Act and in various educational standard-setting initiatives, such as the School Socialization Series.

427. These constitutional precepts have been incorporated and developed in the General Education Act, article 1 of which provides that: "...education is a process of continuing, personal, cultural and social training based on a holistic view of the human person and of each person's dignity, rights and duties". Article 2 (c) further establishes, as one of the aims of national education: "to inculcate respect for human rights and observance of the corresponding duties"; moreover, as set forth in article 13 of the Act, it is for the Ministry of Education, in accordance with the Constitution, to ensure that understanding and observance of human rights is promoted throughout the education system.

428. The Ministry of Education, convinced that the peaceful and reasonable coexistence of all persons at school and in the community to which the school belongs is a prerequisite for promoting educational quality, prepared the School Socialization series, containing a step-by-step guide for the preparation of the School Socialization Manual, a Manual for Student Participation in the Strengthening of School Socialization and annexes to the step-by-step guide for the preparation of the School Socialization Manual. This step-by-step document aims to provide a practical guide to the discussion of a Socialization Manual for each school and to facilitate the task of educating for peace and solidarity, in pursuit of the universal values of coexistence.

<sup>56</sup> The Constitution of the Republic establishes, in article 35, that it is the duty of the State to protect the physical, mental and moral health of children and guarantee their right to education; article 53 considers the right to education as inherent in the human person; article 55 establishes as the aims of education: to achieve the comprehensive development of the personality in its spiritual, moral and social dimensions; to contribute to the construction of a more prosperous, just and humane democratic society; and to inculcate respect for human rights; lastly, article 60 stipulates that human rights must be taught in all public, private, civilian or military educational establishments.



429. The School Socialization Manual identifies mechanisms and procedures for the creative, peaceful, just and democratic prevention and resolution of conflicts, and provides an ideal guide in debates and agreements for anticipating conflict situations likely to undermine harmonious relations within the educational community, taking into account the following principles: recognition and respect for individual rights and duties; gender perspective; respect for diversity; peaceful coexistence at school, and creative resolution of classroom conflict.

430. At the same time the Manual for Student Participation in the Strengthening of School Socialization is intended to facilitate and guarantee students' access to and active participation in the various educational stages and environments, based on recognition of the right, duty and importance of active student involvement and decision-making at school, and the students' acceptance of the commitment, challenge and opportunity arising from the establishment of a democratic civic culture. The essential aim is to promote student participation in the drive to create an environment conducive to children's and adolescents' assimilation and the values of peaceful coexistence and the culture of peace, such as solidarity, tolerance, recognition of others, as well as the encouragement of leadership and, more importantly, recognition of and respect for differences in connection with the rights of the child.

431. In order to ensure that the Government should have the right administrative structure to guarantee respect for Salvadoran children's rights, the Ministry of Education, as lead education agency, gave its support to the Legislative Decree containing the Child and Adolescent Protection Act. It is within this legal framework that the new Government and the Ministry of Education have designed the Social Education Plan 2009–2014, which maintains coherence with the education policies pursued by earlier administrations, but shifts the emphasis towards education for human rights and focuses on overcoming deficiencies in the plan for "Education as a right, a purpose, a need and an act of justice". The aim of its strategy, under the title "Lifelong training for young persons and adults", is to guarantee young people's and adults' access to basic and further training in order to enhance their quality of life and their participation in society, an aspect which is also incorporated in the National Education Strategic Plan 2009–2014, with the eradication of literacy as one of its strategic objectives. This is a flagship government policy, which goes beyond mere teaching to read and write and extends to educating for personal, family, community and social life, with democratic coexistence as both the means and the product of the country's development.

432. One strategic action guiding the educational task of the current administration is human rights education as an avenue to high-quality education imparted through rights-based contents and activities. This is an approach that transcends the cognitive to embrace participation in and the experience of human values and rights through education.

### **Article 13, paragraph 2**

433. As part of the current Government's education policy, as established by legislative decree<sup>57</sup> in 2009, the General Education Act provides for 11 years of free schooling, enabling children to study up to the baccalaureate in public establishments. Efforts are

<sup>57</sup> Legislative Decree No. 425 of 22 July 2010, published in *Diario Oficial* No. 150, vol. 388, of 16 August 2010, amending article 76 of that Act to read: "Infant, basic, secondary and special education shall be free of charge when provided by the State. Any act that prevents students from accessing or remaining in official educational establishments, on the grounds of failing to pay fees or wear a uniform, shall be prohibited."

being made to reduce the rural-urban gap in the quality of education and in access to technology.

434. National programmes to give education pride of place on the national agenda include: the presidential programme for free school uniforms, footwear and materials; the school meals programme; the National Literacy Plan; the national programme for comprehensive infant education and development; the inclusive education programme; the school infrastructure programme; the science and technology programme; the programme to upgrade the teaching profession; and the “possible dream” programme.

435. As of 2010, the Ministry of Education has been implementing the school kits distribution programme, which provides students with basic necessities such as shoes and uniforms from nursery level up to tenth grade in all the country’s State schools in order to mitigate the impact of poverty on the budgets of Salvadoran households and to combat school dropout (see annex VIII).

436. The school meals programme has been expanded to apply from nursery school to the third cycle, giving priority to urban areas for the period 2009/10, strengthening the educational component of the strategy to improve school attendance and retention, improving pupils’ nutrition through school snacks and sound hygiene, and helping to reduce the impact of the cost of the basic food basket. In 2010 the Ministry catered for 1.3 million children and adolescents from nursery to ninth grade in 4,965 public educational establishments.

437. The Ministry has been taking action to make secondary education progressively free and in 2007 began by exempting 2,425 students in 97 secondary schools (at the rate of 25 students each year) from fees. As a follow-up, priority is being given to extending the benefit to the schools administered by school boards and by community educational associations, so that the financial situation of families does not impede completion of secondary education.

438. In the area of science and technology, the Ministry of Education is aiming to set up an institution to meet the country’s science, technology and innovation development needs, with respect to education and the production and use of knowledge; to strengthen teaching-learning processes in rural schools; to incorporate information and communication technologies directly in the classroom, with special emphasis on rural schools; and to create an ad-hoc system of support for teachers for their upgrading, technological literacy and continuous updating of knowledge, with special emphasis on teachers in rural schools.

439. The Ministry has plans to implement the “Let’s be productive” programme, which seeks to increase the integration of high-school technical graduates in productive life within the communities, thereby improving the welfare of the students’ families. The programme will open up opportunities for advancement to students who cannot undertake higher studies and cannot access the labour market. In this connection, the content of the technical baccalaureate syllabus will include pooling of resources and cooperative ventures, teacher training and preparation of support materials.

440. The programme envisages a line of financing to support the pooling of initiatives of students in different specialities. Training in resource-pooling and cooperative ventures will benefit 400 third-year technical baccalaureate students in agriculture, motor mechanics, general mechanics and electronics (at the pilot project stage). The pilot project is expected to last eight months from May to December 2010.

441. At the same time, a new programme entitled “Let’s go on studying” is being launched to motivate ninth-grade students to continue their baccalaureate studies, thereby increasing the low enrolment rate in secondary education. Further support will be given to



the policy of popularizing technical careers, to encourage students completing ninth grade to continue their training, especially in technical subjects.

442. Under the Millennium Fund programme,<sup>58</sup> eight diploma courses were designed and implemented, with the aim of improving the technical qualifications and vocational training of students completing their general and technical baccalaureate studies. The courses are being offered in 11 national secondary schools located in municipalities of the northern area, for the benefit of 500 students.

443. One of the Ministry's initiatives for improving access to higher education is the Megatec scholarship scheme for technical and technological learning, which offers students of four technology institutes located in different regions of the country a higher education scholarship in different technical subjects, as well as support in the form of meal coupons and daily transport to their classes. In 2010 the Ministry assisted 2,098 students throughout the country in this way, with the programme expected to grow in the coming years.

444. A little over 3.5 million dollars has so far been invested in catering for 2,098 students at the four Megatec centres. The investment in terms of economic assistance, including food and transport, amounts to over 1 million dollars. In addition, related syllabuses are being developed at the four Megatec centres and 15 secondary technical establishments nationwide.

445. At the same time, given the need to promote agriculture-based careers, training support and technical assistance programmes have been started in aquaculture, livestock-raising and dairy farming. The agricultural technical/vocational baccalaureate has been updated in order to diversify the educational range and motivate young people entering this speciality.

446. Regarding literacy promotion, the current Government is implementing the National Literacy Programme 2009–2014, which is designed to reduce the 17.97 per cent illiteracy rate to 4 per cent, by mobilizing the various local, municipal and industrial sectors. The strategy gives priority to women in order to reduce the gender gap in literacy training, since it emerged from the 2007 census conducted by the Directorate-General for Statistics and Censuses that women accounted for 61.7 per cent of the illiterate population.

447. Training for over-age young people and adults inside or outside the education system was provided to 115,709 students from 2009 up to May 2010, through a variety of flexible educational schemes, while 16,162 young people have been able to graduate thanks to accelerated courses, distance learning, night school, and virtual and part-time education, at a cost to the Government of over 10.5 million dollars. Also, 578 educators have been further trained in the professional skills required by teachers in the flexible scheme to provide adults with high-quality, relevant training. These theoretical/practical courses have entailed a cost of 257,000 dollars for the Government.

448. As a result of the self-education undertaken by many adults in the course of their lives, 7,180 people sat adequacy tests in basic subjects to determine their academic level. In order to strengthen the flexible scheme, a virtual baccalaureate was devised with contents and skills for imparting learning through a tool known as a "pedagogic mediator", linked to a virtual platform. An amount of 369,785 dollars has been invested from government funds,

<sup>58</sup> The purpose of the Millennium Fund programme is to increase economic growth and reduce poverty in the north of the country. Its three objectives are: (a) to increase human and physical capital; (b) to increase production and employment; and (c) to reduce the cost and duration of displacements. To this end, initiatives will be taken to build up human and physical capital, opening up employment and business opportunities for impoverished communities and families in the 94 municipalities of the northern area. The programme is expected to last five years, from 2007 to 2012.

covering an initial batch of 118 first-year general baccalaureate students, followed by a second batch of 1,200 students.

449. In addition, the inclusive education policy follows the model of full-time schooling, which consists in developing comprehensive education designed to enable students to participate without discrimination and enjoying high-quality cognitive learning and research. Equally important are access to technology and opportunities for art education, culture, recreation and sport as free forms of participation. The comprehensive civic management programme was set up in 2009, comprising art, culture, recreation and sport, civics and education for living. Initiatives for the promotion, rescue and enhancement of culture, with special attention to historical memory, have been developed under this programme. The educational establishments involved organize poetry and guitar recitals, story-telling, drawing and painting workshops with the students, as well as folk and traditional dance festivals, peace band festivals at which folk and traditional music is played, drawing competitions, participation in drama festivals and so on. Teachers also help to organize workshops on literature of art, drawing and painting, and, in coordination with civil society organizations, schools stage plays on the theme of self-help. Among other activities, students are offered transport to visit the country's major art museums, and national tours are organized for the National Dance Company.

450. In this inclusive model, children suffering from different forms of disability are integrated and, where required, receive therapy in special classes. The same opportunities are offered to children belonging to indigenous groups.

451. As part of the effort to achieve greater visibility for indigenous peoples, 141 schools have reported the attendance of small indigenous groups. Twelve schools have run the programme for the rescue of the Nahuatl language, while 3 others launched the Nahuatl nursery scheme for the language to be taught from the age of 3, with enhancement of Nahuatl culture and history, beyond a mere folkloric interest. The project aims to set up a nursery in the municipality of Santo Domingo de Guzmán to be run by Nahuatl-speaking indigenous women responsible for teaching Nahuatl as a first language to this new generation.

452. Noteworthy achievements include the creation by Executive Decree No. 15-0289 of 1 February 2006 of the Educational Support Commission for Indigenous Affairs, which monitors the application of legal educational provisions in favour of the indigenous populations. The Commission promotes initiatives designed to rescue Salvadoran indigenous culture on the basis of intercultural education, which include: (a) nationwide consultation on the guidelines for intercultural education; (b) increasing awareness of indigenous culture on the part of public servants; (c) participation and consultation of male and female indigenous leaders on the subject. Other projects favourable to the revitalization of the Nahuatl language include support for teaching of the Nahuatl language in Santo Domingo de Guzmán, which has the largest Nahuatl-speaking community (100 people) in the country.

453. The director of the Cultural Centre, Genaro Ramírez, a Nahuatl speaker, wrote the project booklet with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Similarly, the Tacuba Cultural Centre organized the research undertaken into Tacuba Nahuatl. It is currently participating in the proposed project on dissemination and knowledge of the Rescue of the Nahuatl language with the Salvadoran Tourist Board.

454. Revitalization of the Cacaopera and Lenca languages has thus far not been prioritized because according to recent linguistic research those languages are now extinct, while, according to UNESCO, the Nahuatl-Pipil is at very high risk of extinction. Previous administrations, however, had given priority to support for civil society initiatives in this



area. Booklets in Cacaopera and Lenca have nonetheless been prepared and disseminated for use in the municipalities of Cacaopera and Guatajiagua. The Secretariat for Culture aims at the dissemination, recognition and awareness of the Nahuatl, Cacaopera, and Lenca ethnic cultures through the creation of theme houses (*Casas Temáticas*), which will be run by self-identified indigenous persons.

455. Children's admission to all levels of education depend on the following criteria: (a) their chronological age in relation to their educational level; (b) whether they start the first level of basic education without a nursery certificate; (c) the need for awareness and motivation campaigns for pupils, teachers and parents with a view to improving school attendance; (d) the need to keep the education community informed of traineeship advances and achievements.

456. Measures to reduce truancy, dropout and repetition in primary and (middle-level) secondary schools include: the school meals programme; provision of textbooks for all pupils; the provision of a school kit (two uniforms, shoes and materials), grants to help with general expenses; and free education up to intermediate secondary education level.

457. Supplementing the above, the Ministry of Education has incorporated the gender perspective into the institutional statistical system and has been looking into the causes of school dropout, including gender-based violence and teenage pregnancies (see annex I, table 15). On the latter subject, the Education Commission of the Legislative Assembly approved an amendment to the Education Act to ensure that young pregnant students are able to complete their studies and are not excluded from the school system.<sup>59</sup>

458. In response to the Committee's request in its recommendations (E/C.12/SLV/CO/2, para. 45), statistics on school dropout may be found in annex I, tables 16 and 17, which reflect the impact of initiatives to reduce school dropout rates.

## Article 14

459. Public-sector primary education (including basic education) is free of charge, as set forth in article 56 of the Constitution of the Republic, while the General Education Act, article 76, states that "nursery, basic, secondary and special education shall be free of charge when provided by the State", as explained in paragraphs 431 and 434 of this report. The "Let's go to School" socio-educational plan places emphasis on flagship programmes that guarantee the right to education for all.

## Article 15

### Article 15, paragraph 1 (a)

460. The art and culture premises of the Secretariat for Culture comprise 168 cultural centres, 4 national theatres, a National Library, 15 public libraries, the National Archive, 9 museums, 8 archaeological parks, 1 zoo, the National Exhibition Centre, the National Dance School and the National Centre for the Arts. Likewise, for enjoyment of the arts, there is the National Dance Company, the Symphony Orchestra, the National Choir, the Orchestra of the National Centre for the Arts and the National Folk Ballet. Arts research,

<sup>59</sup> The reform of the General Education Act has led to the insertion of article 76-A, which reads: "The authorities of the school in question shall grant whatever medical leave may be required on account of a pregnancy to ensure the physical health of the pupil concerned." "Nevertheless, in order to move to a higher grade, all pupils must meet the standards applying to the grade in question."

crafts promotion, indigenous affairs, literature, production of audiovisual works, and cultural research also receive support.

461. The Secretariat for Culture, through the National Library and the National Archive, serves as the depositary of the country's documentary heritage. Both bodies are responsible for safeguarding, preserving and facilitating access to materials of incalculable historical value.

462. The National Library serves as the capital's historical centre and has a collection of 100,000 volumes, as well as national newspaper collections that include magazines and periodicals; the Salvadoran Hall, containing old, retrospective and modern bibliography; the Thesis Collection, with material from different universities across the country; and the National Collection, comprising works by Salvadoran writers published at home and abroad, as well as books about El Salvador published elsewhere. In addition to the library service, there are the computer services of the Internet Hall, in operation since May 2003 thanks to a donation from the Swedish International Development Cooperation Agency and the Office of the International Standard Book Number (ISBN).

463. The National Archive operates out of the National Palace, where the majority of the country's historic documents are preserved: 184.95 metres of information covering the period from 1660 to 1930 and all recent documents.

#### **Article 15, paragraph 1 (b)**

464. School infrastructure may be used to promote public participation in cultural life and access to society, especially at the community level and in rural and deprived urban areas. Under the General Education Act, this is possible as long as it is done with respect for the provisions of article 78 (2) and (3) of that Act, which establish that: "... official school premises are particularly designed for fulfilment of the task of education; however, they may be temporarily used for scientific, cultural, commercial, industrial and religious activities organized by other social institutions, provided that the normal school timetable is not disrupted, that the school's premises, furniture and equipment are not damaged and that the relevant request has been unanimously approved by the school's governing body. For authorization of the use of premises, the requesting institution shall also fulfil the requirements contained in the guidelines of the Ministry of Education for the purpose."

465. In addition, measures to conserve and protect the indigenous peoples' expertise in the use of flora include two studies on: (a) edible wild plants, and (b) the use of plants in Salvadoran crafts.

466. Although there is no legislation that safeguards the indigenous people's moral and material interests that accrue from their special cultural characteristics, the Secretariat for Culture does provide assistance for research into and dissemination of their cultural heritage in recognition of their traditional knowledge. Since 2006 efforts have been made for the recognition and protection of indigenous peoples' cultural heritage so as to raise awareness of the nation's cultural diversity. Other activities target the economic development of their craft products in order to foster the indigenous peoples' enjoyment of their economic, social and cultural rights.

467. Coordination and organization efforts have come into play for the recognition of their cultural heritage and traditional knowledge. One Government incentive in favour of those social and cultural practices included the award in 2006 of the National Prize for Culture, for which guilds and fraternities were invited to compete. The prize was awarded to the Santo Domingo de Guzmán Guild (Sonsonate) headed by indigenous leaders.

468. Research and dissemination of scientific knowledge and cultural expressions relating to recognition of the indigenous populations and the enjoyment of their cultural rights



include: (a) archaeological congresses between 2007 and 2009 on, first and foremost, the ancestral peoples of Mesoamerica; (b) creation of a dance archive under the *Huella Prehispánica* (Pre-Hispanic Footsteps) project, which enables it to be disseminated and recognized as an intangible cultural heritage; (c) the National Prize for Culture is being awarded again this year to recognize the work of natural or legal persons that have consistently endeavoured to enhance, rescue, conserve, research and promote the autochthonous peoples of El Salvador.

469. Given the existence of traditional practices that undermine human rights, initiatives have been taken to mitigate attitudes and practices prejudicial to other sectors or groups. The best progress has been made in gender equity, in cooperation with the indigenous communities, with which the following activities have been carried out: each 5 September, as part of Indigenous Women's Day, female indigenous leaders are publicly recognized, with emphasis on each woman's role in her community as craftswoman, teacher, guild leader, guild captain, midwife, elder or representative of indigenous organizations. This is conducted in Nahuatl in recognition of all that indigenous women do to transmit their cultural expertise, knowledge and values. In addition, the Municipal Council of Cuisnahaua (an indigenous community) has received training in gender, equity and interculturalism.

470. As far as boosting women's economic rights is concerned, there are activities to promote their earning power through their traditional crafts, connecting their cultural knowledge to the marketing of economic initiatives through crafts fairs<sup>60</sup> with strong emphasis on knowledge transmitted via the oral tradition.

471. Regarding the art of dance, the Morena Celarié National Dance School offers the following courses: classical ballet, which pupils may start learning at 9 years of age, developing their skill in workshops and regular courses, methodology and choreographic repertory (8 years study of technique); (b) contemporary dance, for the 14–20 age group; introduction to contemporary dance (I and II for ages 9 onwards); workshops, regular courses, methodology, improvisation; Ballet I; introduction to contemporary dance (8 years study of technique); traditional dance, levels 1 to 6, for pupils aged from 14–20; and creative dance, for the 5–8 age group.

472. The National Dance School has its own premises equipped with proper classrooms. Its activities from 2006 to 2009 were the International Dance Day, the Classical Ballet Season, the Contemporary and Traditional Dance Season, Third International Ballet Festival, and Christmas Season.

473. Additionally, in connection with the development, social outreach, promotion and dissemination of a culture of dance, the National Dance School puts on shows in theatres, parks, auditoriums, schools and other public and private establishments in order to publicize that culture. It provides a social service in its seasonal offerings in theatres to municipal nurseries, children's homes, children's villages, the Salvadoran Institute for Child and Adolescent Development, the Armed Forces Social Security Institute (for older persons), pensioners affiliated to the National Civil Service Pensions Institute and State-run

<sup>60</sup> The fairs are (a): National Fair of the Santo Domingo de Guzmán District (Sonsonate), San Juan El Espino (Ahuachapán), Guatajiagua (Morazán), San Juan Nonualco (La Paz); (b) National Statuary Fair with the participation of sculptors/carvers from the Izalco, Ataco, San Rafael Cedros and Apastepeque communities; (c) National Agave Fair en Cacaopera, Osicala, San Simón, Yoloaquin, Las Vueltas (Morazán municipalities), Concepción Quezaltepeque (Chalatenango); (d) National Fair of Musical Instruments: this fair open to the public and is attended by craftspeople from indigenous communities with their own productions of indigenous craft musical instruments; and (e) National Fair of Folk and Traditional Toys in Izalco, Nahuizalco, Guatajiagua, Cacaopera, La Palma, Bobasco, San Vicente.

schools in order to be as inclusive as possible and open up access to dance to the whole population.

474. As regards the arts, the National Centre for the Arts offers regular courses, free of charge, and awards diplomas at different levels at its three schools (the music, theatre and dance schools). It caters to children from five years of age and includes older persons. While the Centre's chief mission is arts education, it also contributes through its artistic production to audience mobilization, creative industries, and sensitization of Salvadoran society. It also provides social outreach services through concerts and classes in as many locations as logistically possible. Work has been done among deprived, excluded and vulnerable communities to make them see training in the arts as a window of new opportunities and hope, especially for children and young people. It operates a strategy of State-approved low tuition fees and scholarship quotas, and no child wishing to learn and develop his or her talents is ever turned away from basic arts education.

475. The Centre implements a strategy of State-approved low tuition fees and scholarship quotas, and no child wishing to learn and develop his or her talents is ever turned away from basic arts education.

476. The physical obstacles to the full participation of persons with disabilities and the elderly in the Centre's cultural activities is something of an outstanding debt owing to the lack of suitable infrastructure and specialized human resources to provide a genuine service to sectors of the population. However, it has seen a number of young people with disabilities and special skills become renowned national artists.

477. The Centre has played an active role by promoting and supporting the research projects of some teachers who have embarked on research into our country's pre-Hispanic art and cultures and on new expressions and techniques of contemporary art. But, for all that, research efforts undeniably need to be increased if entire cultures are to be saved from oblivion. A legal decree could promote such research by transforming the Centre into a Higher Institute of Arts.

#### **Article 15, paragraph 1 (c)**

478. In 2006 the authorities amended the Intellectual Property Act, the Criminal Code and the Code of Criminal Procedure, thereby strengthening protection of copyright and of intellectual creation.

479. The main changes introduced with these reforms, which guarantee the authors' moral rights, include: (a) introduction of protection of information on rights management (identification of the work or the rights holders, conditions of use, etc.); and (b) increase of the protection period from 50 to 70 years following the demise of the holder of the copyright or related rights.

480. The existing legal provisions protecting the freedom of scientific research are to be found in the Constitution of the Republic which, in article 53, paragraph 2, establishes that "the State shall promote scientific research and work". Article 103, paragraph 2, also recognizes intellectual property, for the duration and in the form determined by law, as do the General Education Act and the Intellectual Property Act.

481. Meanwhile, article 5, paragraph (e), of the law governing the National Science and Technology Council sets out its functions as follows: "... To promote activities to extend the frontiers of knowledge, promoting knowhow of scientists and technologists, education, further training, and dissemination of science and technology, in line with the requirements of the country's economic and social development...". To that end, the National Science, Technology and Innovation Policy was revised, updated and officially approved at a validation workshop at which the business sector, academe and the Government met to



define guidelines and strategy for science, technology and innovation activities; institutional, individual and operational activities to promote, stimulate and encourage scientific research; and mechanisms for the social appropriation of knowledge and the transfer of technological innovation, in order to generate the country's capacity.

482. Meanwhile the Science, Technology and Innovation Development Act has been prepared with a view to boosting science and technology and promoting innovation through implementation of the National Science, Technology and Innovation Policy, based on the National Science, Technology and Innovation Development Plan implemented by the National Science, Technology and Innovation system in order to promote the country's economic and social development.

483. Work has been done on the Indicators of Human Resources in Science and Technology in El Salvador 2009–2014 on the basis of statistics provided by the Ministry of Education and data processed by the Directorate-General of External Cooperation of the Ministry of Foreign Affairs. The indicators relate to: developments in science and engineering; the education offered by universities and institutes of technology; higher education facilities; higher education students and graduates; Salvadoran students on scholarships abroad; foreign students in the higher education system, and Salvadoran researchers.

484. The Council's Official Review and information notes available on its website,<sup>61</sup> keep the general public informed about science, technology and innovation topics, while records of subdomain names are kept under the main Internet domain for El Salvador.

485. In order to encourage the development of science, technology and innovation, international cooperation partners have been issued with projects on themes such as energy, health, environment, information society, and support for the leather and footwear sector, and dairy and meat products.

486. Where encouragement and development of technology transfer are concerned, the bilateral cooperation agreements with more scientifically and technologically developed countries are exceedingly important. The Framework Agreement of the Ibero-American Programme for Science, Technology and Development has played an extremely important role, it being this programme that manages funds for mobilizing Salvadoran academics, entrepreneurs, professionals and researchers in order to keep scientific and technological knowledge up to date through events such as courses, training days, seminars and international forums with the help of scholarships and half scholarships.

487. Another way in which Salvadoran researchers participate in this programme is by collaborating in thematic research networks, research projects and consortium projects. Through the IBEROEKA projects sponsored by the Programme for Science, Technology and Development, they facilitate technical innovation in the production sector through the optional and preferential involvement of enterprises from different countries and research centres in the Ibero-American countries, making it possible to develop new products, processes and services for a potential market.

488. Meanwhile, in order to transfer knowledge to more people, national activities have been conducted with support from external cooperation agencies through technical or economic assistance.

489. The aim of the National Scientific and Technological Development Plan is to promote the visibility of scientific and technological information, communication of advances in science and technology and their use in knowledge-based decision-making, and

<sup>61</sup> National Science and Technology Council: [www.conacyt.gob.sv](http://www.conacyt.gob.sv).

the dissemination and popularization of science and technology. The Plan constitutes the framework for execution of the National Innovation Agenda which aims, inter alia, to secure national and international funds and international technical assistance for Salvadorans to support execution of the Agenda. Another of its objectives is to devise strategies for coordination among research centres for systematic dissemination and popularization of scientific and technological knowledge.

#### **Article 15, paragraph 2**

490. The Secretariat for Culture, which draws support from the national and international legal framework, fosters and promotes technical and scientific cooperation agreements for initiatives geared to the conservation and development of science and culture.

491. The National Registry is developing various activities for disseminating patent-related topics relating in order to promote not only use of the system to protect inventions and prototypes, but also of the information contained in the patent specification as a source of technological knowledge in support of country's scientific and technological development. It also carries out various copyright-related dissemination activities to encourage a culture of respect for intellectual property.

#### **Article 15, paragraph 3**

492. None of the aforementioned laws impose any limits on research and creation.

### **III. Replies to other observations of the Committee**

493. With regard to the Committee's suggestion (E/C.12/SLV/CO/2, para. 27) that investigations should be carried out to identify and punish the authors of the threats received by members of the Office of the Human Rights Advocate, and by the Human Rights Advocate himself, the immediate measures taken by the police in connection with the case have included a long meeting between the Advocate, the Director-General of the National Civil Police and various deputy directors of operations to discuss the threats and the action to be taken to investigate them and guarantee the safety of the official and his family.

494. Criminal investigations into the matter were officially instituted under the supervision of the Attorney-General of the Republic. As a concrete measure to guarantee the Advocate's personal safety, in January 2010, when the threats against him were made, he was assigned two additional officers from the National Civil Police's VIP protection unit to supplement the security detail assigned to him when he assumed office, which, prior to the threats being made, consisted of four officers (the maximum authorized under the Protection of Persons Subject to Special Security Measures Act).

495. In addition, in view of certain factors, such as the fact that the Advocate's residence is located outside the capital, arrangements were made for him to have a Special Police Operations Group escort. Although this arrangement was later discontinued at his request, his residence was kept under 24-hour surveillance by the regional police department. The Attorney-General's Office is keeping the investigation open, as no definitive conclusion has been reached regarding the authorship of the threats against the Advocate.

496. Lastly, with regard to the recommendation (E/C.12/SLV/CO/2, para. 38) that El Salvador should assess the impact of the Central America Free Trade Agreement (CAFTA), which entered into force on 1 March 2006, on the enjoyment of economic, social and cultural rights by its population, particularly the most vulnerable sectors, and adopt remedial measures, as required, and that it should also consider the possibility of



re-establishing the Forum for Economic and Social Consultation, bearing in mind its inspiring principles, the Ministry of Economic Affairs conducted an evaluation of CAFTA four years after its entry into force, which concluded that more than 20,900 new jobs had been directly created in the formal sector as a result (see annex I, table 14).

497. The difficulties identified include barriers to trade such as customs measures and insufficient awareness among United States Customs officials of the rules laid down in CAFTA (procedures for applying preferences to CAFTA quotas and need for certificates of origin, as used in other treaties in force in the United States), the customs classification in the United States of products typical of the Central American region such as dry beans and *loroco* (a vine used in cooking in El Salvador), and the lack of uniform criteria governing the customs procedures applied by the different United States entry ports.

498. Other factors that have restricted compliance with CAFTA are the complexity of technical standards and FDA (United States Food and Drug Administration) refusals; since CAFTA entered into force, Salvadoran products have been refused entry on 364 occasions.

499. The results include the following:

(a) Total exports have not increased significantly because of Chinese clothing products, a situation which reflects the lack of competitiveness of Salvadoran products generally;

(b) The promotion of high-technology products has lagged behind;

(c) Imports have increased somewhat, augmenting the trade deficit;

(d) The United States remains El Salvador's principal trading partner, but viewed over the medium and long term the volume of trade is in decline;

(e) Direct foreign investment increased following CAFTA, with the United States remaining the main source;

(f) Exports of traditional, non-traditional and ethnic goods increased considerably in value terms;

(g) The decline in *maquila* exports, which are three times greater than all other exports combined, gave rise to a fall in total imports;

(h) There are fewer and fewer exporters to the United States, but those that remain are succeeding in exporting more goods to that market;

(i) Exports to the United States are becoming concentrated in the hands of fewer exporters, but these are diversifying with more products.

500. With regard to the recommendation (E/C.12/SLV/CO/2, para. 38) that El Salvador should consider the possibility of re-establishing the Forum for Economic and Social Consultation, by Executive Decree No. 64 of 16 October 2009 the current Government gave the green light for the establishment of the Economic and Social Council. The chief purpose of this new body is to facilitate dialogue and consultation on public policies with a bearing on the country's economic and social agenda. It is emerging as an advisory forum without mandatory powers which analyses and discusses proposals for public policies in economic and social matters and makes recommendations to the central Government.

501. One of the Council's first contributions was a plan entitled "Strategic Commitments for 2024". These commitments were incorporated in the Five-Year Development Plan 2010–2014 and include: (a) having a healthy, educated and productive population that has the capacity and sufficient opportunities fully to develop its potential and become the cornerstone of national development; (b) building a fair, tolerant and inclusive society in which there is gender equality and the rights of the entire population, with particular

emphasis on vulnerable groups, are respected (the document contains nine commitments in all).<sup>62</sup>

502. The Council has also defined a series of priority areas for the 2010–2014 period that have been taken on board by the current Government and prioritized in the Five-Year Development Plan. They include: (a) a significant and verifiable reduction of poverty, economic and gender inequality and social exclusion; (b) more detailed research, effective prevention and measures to combat delinquency, criminality and gender-based violence; (c) economic revival, including conversion and modernization of the agriculture, livestock and industrial sectors.

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<sup>62</sup> Five-Year Development Plan 2010–2014. Government of El Salvador, 2010, pp. 47–50.



## Annexes

### Annex I

#### Tables

Table 1  
Unemployment rate  
(Per cent)

<i>Unemployment rate</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>Urban</b>	<b>7.3</b>	<b>5.7</b>	<b>5.8</b>	<b>5.5</b>
Men	9.4	7.6	7.9	7.2
Women	4.8	3.6	3.4	3.5
<b>Rural</b>	<b>7.1</b>	<b>8.0</b>	<b>7.4</b>	<b>6.7</b>
Men	8.1	9.6	8.6	7.9
Women	4.9	4.6	4.8	4.2
<b>Country total</b>	<b>7.2</b>	<b>6.6</b>	<b>6.3</b>	<b>5.9</b>

*Source:* Five-Year Development Plan 2010–2014.

Table 2  
**Composition and characteristics of the informal sector**

<i>Category</i>	<i>Total urban</i>	<i>Total women</i>	<i>Total men</i>
Employed in the informal sector	768 843	397 326	371 571
Employed in the informal sector with ISSS coverage	82 535	52 880	29 655
Employed in the informal Poor sector due to poverty	292 821	141 233	151 588
Extremely poor	85 948	38 774	47 174
Relatively poor	206 873	102 459	104 414
Not poor	476 022	256 093	219 929

*Source:* Multi-purpose household survey, 2009.

Table 3  
Categories of workers

Category	Daily wage	Amount paid (US\$)	Executive Decree No.
Agricultural workers	Ordinary daytime daily wage	3.24 (0.405/hour)	133
Coffee gatherers	Ordinary daytime daily wage	3.54 (0.443/hour)	
	Per arroba gathered	0.708	
	Per pound gathered	0.028	134
Cotton gatherers	Ordinary daytime daily wage	2.70 (0.338/hour)	
	Per pound gathered	0.027	134
Sugar-cane gatherers	Ordinary daytime daily wage	3.00 (0.375/hour)	
	Per cut tonne	1.50	134
Trade and services	Ordinary daytime daily wage	6.92 (0.865/hour)	135
Industry (except <i>maquila</i> textile and manufacture)	Ordinary daytime daily wage	6.77 (0.846/hour)	135
<i>Maquila</i> textile and manufacture	Ordinary daytime daily wage	5.79 (0.724/hour)	135
Seasonal Coffee plant workers	Ordinary daytime daily wage	4.69 (0.586/hour)	
agricultural Cotton and sugar cane industry workers plant workers	Ordinary daytime daily wage	3.41 (0.426/hour)	136

Table 4  
Employed by branch of economic activity, according to gender and occupational category

Branch of economic activity	Men	Women	Country total
Agriculture, stockbreeding, hunting, forestry	426 000	45 919	471 919
Fishery	20 148	2 077	22 225
Mining and quarrying	1 165	53	1 218
Manufacturing industry	179 963	180 260	360 223
Electricity, gas and water supplies	6 815	372	7 187
Construction	116 550	3 135	119 685
Trade, hotels, catering	264 102	425 833	689 935
Transport, storage, communications	93 312	8 186	101 498
Financial and real estate intermediaries	80 735	37 261	117 996
Public administration and defence	73 363	25 991	99 354
Teaching	24 825	53 918	78 743
Social, health and community services	63 389	117 661	181 050
Households with domestic service	9 988	102 366	112 354
Other	163	1 029	1 192
<b>Total</b>	<b>1 360 518</b>	<b>1 004 061</b>	<b>2 364 579</b>

Source: Multi-purpose household survey, 2009.



Table 5  
Changes in minimum pensions in the pension system

Year	2005	2006	2007	2008	2009	June 2010
Old age pension	114.00	114.00	119.70	119.70	143.64	143.64
Invalidity pension	79.80	79.80	83.79	83.79	100.55	100.55

*Source:* Office of the Superintendent of Pensions. Changes in the Public Pensions Scheme (SPP).

*Note:* Since 1997, the minimum invalidity pension has amounted to 70 per cent of the minimum old age pension under the terms of article 225 of the Pensions Savings Scheme Act.

Table 6  
Pensions adjustments in the transitional Public Pensions Scheme

Year	%	Terms
2004	2	2% increase in monthly pensions in the range US\$ 114.01 to US\$300.00, starting 1 July 2004
2007	5	5% increase in monthly pensions below US\$ 300.00 starting 1 January 2007
2009	5	10% increase in monthly pensions in the range US\$ 130.58 to US\$ 300.00, starting 1 January 2009

*Source:* Prepared by the Office of the Superintendent of Pensions, on the basis of Budget Acts for the corresponding financial tax years.

Table 7  
Cases of human trafficking, 2007–June 2010

Year	Number of cases	Number of cases brought to trial	Number of convictions	Number of victims	Number of persons detained
2007	36	8	1	59	28
2008	81	28	5	92	28
2009	67	5	8	55	19
2010 (to October)	67 admitted	8	5	58	11

*Source:* Prosecution and police records.

Table 8  
Total number of persons repatriated under the “Welcome Home” programme (by air), 1998–September 2010

	1998–2009	Jan. 2010	Feb. 2010	March 2010	April 2010	May 2010	June 2010	July 2010	August 2010	Sept. 2010	Total
Men	85 141	1 208	1 311	1 370	1 511	1 530	1 657	1 419	1 377	1 512	98 036
Women	16 166	198	192	161	262	253	300	270	165	191	18 158
<b>Total</b>	<b>101 307</b>	<b>1 406</b>	<b>1 503</b>	<b>1 531</b>	<b>1 773</b>	<b>1 783</b>	<b>1 957</b>	<b>1 689</b>	<b>1 542</b>	<b>1 703</b>	<b>116 194</b>

*Source:* Repatriations Unit. Welcome Home Programme, October 2010.

Table 9

**Total number of persons assisted by the Migrant Care Centre, January–September 2010**

	<i>May–Dec. 2008</i>	<i>2009</i>	<i>Jan. 2010</i>	<i>Feb. 2010</i>	<i>March 2010</i>	<i>April 2010</i>	<i>May 2010</i>	<i>June 2010</i>	<i>July 2010</i>	<i>August 2010</i>	<i>Sept. 2010</i>	<i>Total</i>
<b>Total</b>	<b>501</b>	<b>574</b>	<b>48</b>	<b>44</b>	<b>62</b>	<b>63</b>	<b>49</b>	<b>58</b>	<b>82</b>	<b>59</b>	<b>72</b>	<b>1 612</b>

Source: Repatriations Unit. Welcome Home Programme, October 2010

Table 10

**Types of assistance offered by the Migrant Care Centre, January–September 2010**

<i>Month</i>	<i>Medical assistance</i>	<i>Labour Min. Employment assistance</i>	<i>Call centre</i>	<i>Courses</i>	<i>Educational assistance</i>	<i>Legal assistance</i>	<i>Tattoo removal</i>	<i>Psychological assistance</i>
January	7	9	3	11	2	0	3	3
February	9	14	2	8	0	0	7	1
March	12	7	9	13	2	4	9	2
April	3	10	15	12	1	0	4	2
May	0	9	3	7	0	5	4	2
June	0	15	8	26	3	0	12	0
July	0	15	6	19	5	7	11	0
August	20	15	5	12	2	10	1	3
September	27	13	3	2	5	12	4	0
<b>Total</b>	<b>78</b>	<b>107</b>	<b>54</b>	<b>110</b>	<b>20</b>	<b>38</b>	<b>55</b>	<b>13</b>

Source: Repatriations Unit. Welcome Home Programme, October 2010.

Table 11

**Urban population equipped with water supply and sewerage (number of inhabitants), 2005–2009**

<i>Years</i>	<i>Total urban population</i>	<i>Urban population with connection</i>	<i>% Urban population without connection</i>	<i>%</i>
<b>Water supply</b>				
2005	3 528 833	3 190 135	90.4	338 698
2006	3 090 944	2 827 046	91.5	263 898
2007	3 598 836	3 027 210	94.1	571 626
2008	3 613 529	3 043 905	84.2	569 624
2009	3 882 063	3 286 228	84.7	595 835
<b>Sewerage</b>				
2005	3 528 833	2 392 220	67.8	1 136 613
2006	3 090 944	2 116 000	68.5	974 944



<i>Years</i>	<i>Total urban population</i>	<i>Urban population with connection</i>	<i>%</i>	<i>Urban population without connection</i>	<i>%</i>
2007	3 598 836	2 381 661	66.1	1 217 175	33.9
2008	3 613 529	2 388 949	66.1	1 224 580	33.9
2009	3 882 063	2 567 052	66.1	1 315 011	33.9

*Source:* Office of the Deputy Minister for Housing and Urban Development, Planning and Development Unit.

*Note:* The parameter for persons in urban areas with a drinking water and sewerage connection is 4.4 for drinking water and sewerage per service for the Metropolitan Region and the Central and Eastern Region, and for drinking water in rural areas 3.9 persons per service for the Metropolitan Region and 4.56 for the Central, Western and Eastern Regions. Basis: the official figures of the 6th National Population Census and the 5th Housing Census carried out by DIGESTYC in 2007 and the 2009 Multi-purpose Household Survey (EHPM).

Table 12  
**Families without access to piped water in the home, broken down by region and area**

<i>Household</i>	<i>Supply by truck cart or barrel</i>	<i>Supply by river or stream</i>	<i>Rainwater</i>	<i>Other</i>	<i>Total</i>	<i>%</i>
<b>Urban</b>	<b>13 490</b>	<b>5 733</b>	<b>1 401</b>	<b>5 960</b>	<b>26 584</b>	<b>23.51</b>
Region I (Western)	5 020	2 045	123	1 670	8 858	7.83
Region II (Central I)	1 033	1 749	77	1 062	3 921	3.47
Region III (Central II)	771	682	28	741	2 222	1.97
Region IV (Eastern)	1 582	557	300	1 275	3 714	3.29
Region V (AMSS)	5 084	700	873	1 212	7 869	6.96
<b>Rural</b>	<b>14 982</b>	<b>58 150</b>	<b>5 453</b>	<b>7 889</b>	<b>86 474</b>	<b>76.49</b>
Region I (Western)	3 581	15 634	1 739	2 291	23 245	20.56
Region II (Central I)	2 614	16 306	583	1 703	21 206	18.76
Region III (Central II)	1 150	10 328	98	1 167	12 743	11.27
Region IV (Eastern)	5 016	14 144	2 514	2 587	24 261	21.46
Region V (AMSS)	2 621	1 738	519	141	5 019	4.44
<b>Overall total</b>	<b>28 472</b>	<b>63 883</b>	<b>6 854</b>	<b>13 849</b>	<b>113 058</b>	<b>100.00</b>

*Source:* Sixth Population Census and Fifth Housing Census, DIGESTYC.

Processing and criteria: Vice-Ministry of Housing and Urban Development.

Table 13  
Population with and without housing

<i>Number</i>	<i>Characteristics</i>	<i>Results</i>	<i>Percentage</i>
	Total available housing (occupied)	1 372 853	100
1.	Quantitative shortfall <sup>a</sup> (lack of housing)	44 383	3.2
2.	Qualitative shortfall <sup>b</sup> (inadequate housing)	315 918	23
	Total households	1 406 485	100.0
	Total population	5 744 113	10.00
3.	Families without housing	Not available	Not available
4.	Persons without housing	Not available	Not available
5.	Families living in adequate housing	321 780	23.0
6.	Persons living in adequate housing	1 319 300	23.0
	<b>Access to basic services</b>	<b>1 406 485</b>	<b>100</b>
	Families without access to basic services:		
7.	Drinking water	113 058	8
8.	Sewerage	79 593	5.7
9.	Electricity	163 019	11.6
10.	Solid waste	709 059	50.4

*Note:* For items 3 and 4 this information is not available because the statistics are based mainly on EHPM and Census figures, which do not include it. For item 6, the national average number of inhabitants per household of 4.1 has been used, in accordance with the 2007 Census results.

<sup>a</sup> Quantitative shortfall refers to families living in overcrowded conditions, i.e. with three or families sharing the same accommodation, and households living in lodgings, which are considered as being without housing.

<sup>b</sup> This refers to dwellings with materially deficiencies affecting either walls, floors or roofs, and therefore requiring improvements in their infrastructure.

Table 14  
Vaccination coverage, January–December 2009

<i>Vaccine</i>	<i>Institutions</i>			<i>Population*</i>			<i>Coverage (%)</i>
	<i>MSPAS</i>	<i>ISSS</i>	<i>Armed Forces</i>	<i>Total</i>	<i>Less than 1 year</i>	<i>1 year</i>	
BCG	90 402	16 802	129	<b>107 333</b>	122 232		87.8
Pentavalent							
Third dose	97 715	16 964	74	<b>114 753</b>			93.9
Rotavirus							
Second dose	63 839	11 154	...	<b>74 993</b>			61.4
Antipolio							
Third dose	94 326	17 055	64	<b>111 445</b>			91.2
SPR	95 587	13 586	90	<b>109 263</b>		121 150	90.2

*Source:* MSPAS Activities Report, 2009–2010.

\* Population according to 2007 Census – DIGESTYC.



Table 15  
**Girls dropping out of school on account of pregnancies, 2009**

<i>Educational level</i>	<i>Total</i>
Basic education (1st and 2nd cycles)	247
Basic education (3rd cycle)	552
Intermediate education	366
Distance learning	28
<b>Overall total</b>	<b>1 193</b>

*Source:* Department of Statistics – Ministry of Education.

*Note:* As far as school drop-outs due to pregnancies are concerned, data are available only for 2009, which is when those data were first collected.

Table 16  
**Basic education drop-outs, 2007–2009**

<i>Educational level</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Basic education 1st and 2nd cycle	73 (5.3%)	61 139 (6.2%)	54 123 (5.7%)
Basic education 3rd cycle	21 914 (6.4%)	21 280 (6.0%)	28 410 (7.7%)
<b>Total</b>	<b>74 887 (5.6%)</b>	<b>82 419 (6.2%)</b>	<b>82 533 (6.2%)</b>

*Source:* Department of Statistics – Ministry of Education.

Table 17  
**Number of dropouts in basic education, 2007–2009**

<i>Educational level</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Intermediate	22 415 (11.7%)	13 543 (7.3%)	18 194 (9.7%)

*Source:* Department of Statistics – Ministry of Education..

Table 18  
**Labour productivity before and after CAFTA (Central America Free Trade Agreement)**

<i>Years</i>	<i>2003–2005 average</i>	<i>2006–2008 average</i>	<i>Change</i>
Manufacturing industry	4 470.45	5 235.95	17.1%
Agriculture, stockbreeding, hunting, forestry, and fishery	1 943.50	2 652.19	36.5%
Mining and quarrying	15 251.84	11 919.35	-21.8%
Electricity, gas and water supplies	7 230.44	5 851.43	-19.1%
Construction	1 958.17	2 089.13	6.7%
Trade, hotels, catering	2 208.60	2 629.36	19.1%
Transport, storage, communications	6 396.05	8 723.46	36.4%
Financial and real estate intermediaries*	11 240.91	11 879.34	5.7%
Social, health and community services	1 027.39	1 132.54	10.2%
Public administration and defence	3 995.71	4 342.31	8.7%
<b>Total El Salvador</b>	<b>3 224 10</b>	<b>3 832 32</b>	<b>18.9%</b>

*Source:* Ministry of the Economy.

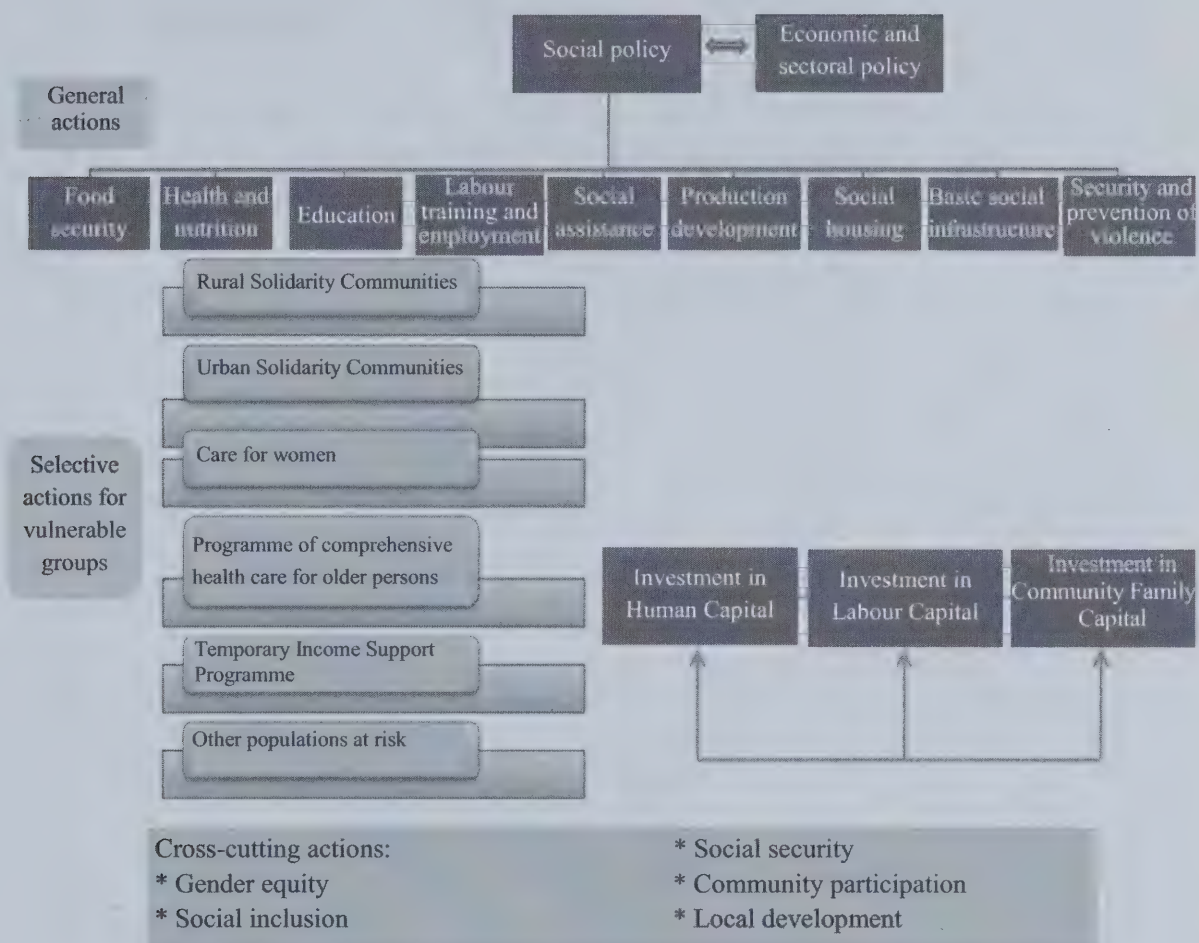
\* GDP/Number of persons employed per sector.



## Annex II

### Universal Social Protection System

#### A. Outline of the universal social protection system



## **B. Investment scheme for the Universal Social Protection System**

**Comprehensive intervention** aimed at extending capacities and equalizing opportunities with a view to improving the quality of life of persons living in conditions of poverty and social exclusion in rural and urban communities

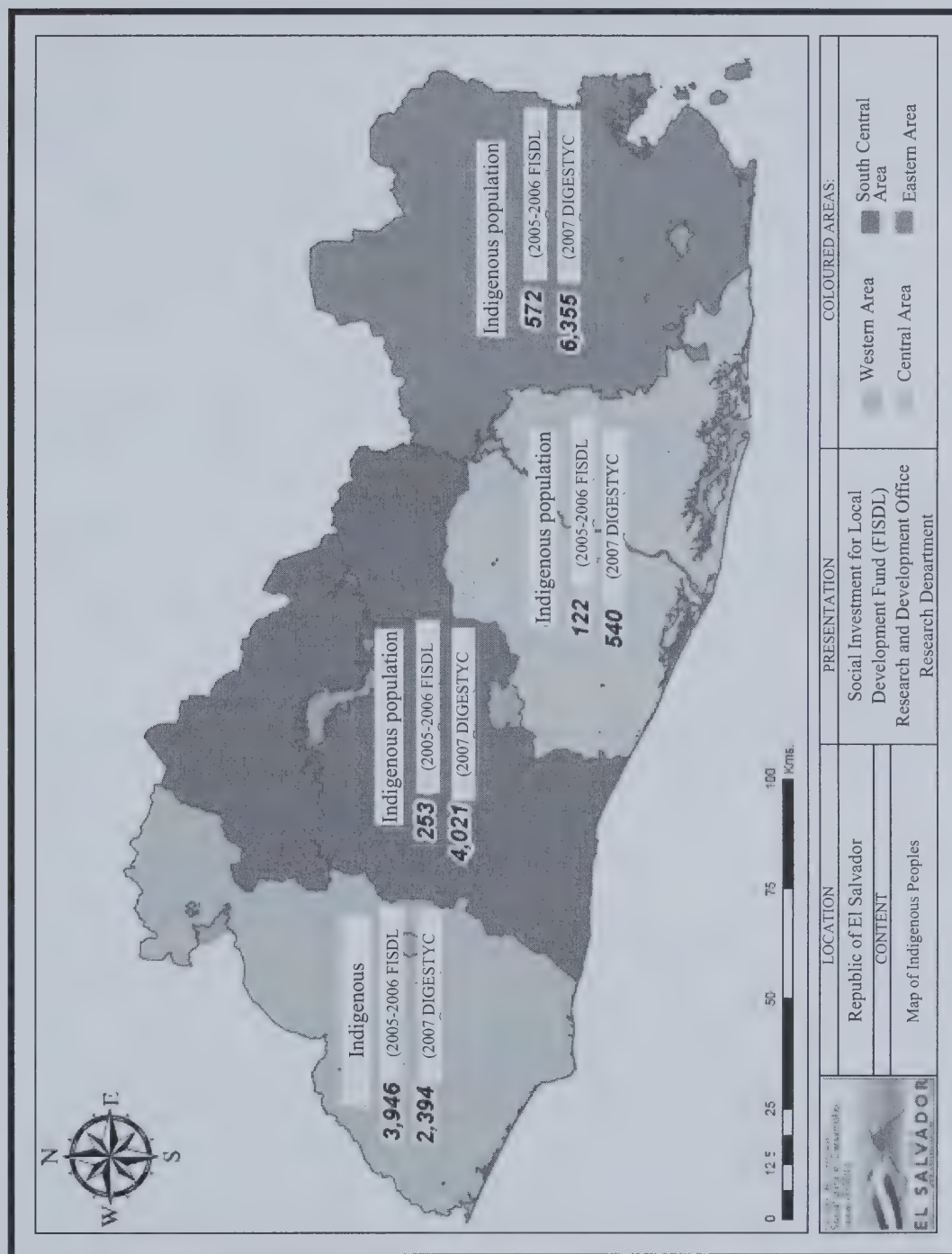


**Benefits provided:** Economic transfers (grants/bursaries), non-contributory universal basic pension, promotion of productivity and income generation; in addition to investment in basic social infrastructure and strengthening of local organization



## Annex III

## Map of indigenous peoples



<i>Indigenous population</i>					
<i>Region</i>	<i>Ethnic Group</i>				<i>Total</i>
	<i>Lenca</i>	<i>Kakawira</i>	<i>Nahua-Pili</i>	<i>Other</i>	
Western	321	40	1 557	476	2 394
Central	408	116	1 299	2 198	4 021
South Central	87	29	117	307	540
Eastern	1 196	3 980	566	613	6 355
<b>National total</b>	<b>2 012</b>	<b>4 165</b>	<b>3 539</b>	<b>3 594</b>	<b>13 310</b>

*Source:* 6th Population and Housing Census (2007) MINEC-DIGESTYC.

<i>Indigenous population</i>					
<i>Region</i>	<i>Ethnic Group</i>				<i>Total</i>
	<i>Nahua-Pili</i>	<i>Lenca</i>	<i>Kakawira</i>	<i>Other</i>	
Western	3 900	29	-	17	3 946
Central	222	10	3	18	253
South Central	102	9	4	7	122
Eastern	104	98	315	55	572
<b>National total</b>	<b>4 328</b>	<b>146</b>	<b>322</b>	<b>97</b>	<b>4 893</b>

*Source:* FISDL 2005–2008 CSR Census.

*Source:* FISDL.

*Note:* The map includes data from both the DIGESTYC 5th Population Census and 6th Housing Census and the FISDL Census conducted under the Solidarity Communities Programme.

## Annex IV

# **Estimates of multilateral and bilateral cooperation received in recent years, by sector, in terms of quantity of programmes and projects<sup>c</sup>**

## **A. Multilateral cooperation**

<i>Sector</i>	<i>Programmes and projects</i>	<i>Amount (US\$ million)</i>	<i>Cooperating agencies involved</i>
Education	13	40.08	OAS/FEMCIDI, UNDP, UNFPA, UNICEF, EU
Health <sup>d</sup>	97	48.44	FAO, IAEA, UNAIDS, WHO, PMA, UNDP, UNFPA, UNICEF
Water and sanitation	5	0.75	FAO, IAEA
Government and political system <sup>e</sup>	38	40.24	ILO, WHO, PMA, UNDP, UNCTAD, UNFPA, UNICEF, EU
Civil society	1	0.02	UNFPA
Decentralization and territorial development	2	0.24	WHO, UNDP
Human rights and equity	54	4.83	ILO, WHO, PMA, UNDP, IOM, UNHCR, UNFPA, UNICEF, UNIFEM, UNWHO
Security	18	17.38	ILO, WHO, UNDP, UNICEF, UNFPA, EU
Employment and income generation	6	0.87	IDB, OAS/FEMCIDI
Housing and urbanization	4	14.04	PMA, UNDP
Energy generation and supply	2	n.a	IAEA
Agriculture, agroforestry, stockbreeding and fishery <sup>f</sup>	40	6.04	FAO, IAEA
Industry, mining and construction	3	42.24	UNWHO, EU
Environment and climate change <sup>g</sup>	15	0.87	OAS/FEMCIDI, IAEA
Humanitarian aid	2	4.63	PMA
Multisectoral <sup>h</sup>	15	2.18	IAEA, UNDP, UNICEF
<b>Total</b>	<b>315</b>	<b>222.85</b>	

<sup>c</sup> Data are taken from projects and programmes registered with DGCD.

<sup>d</sup> No financial data available for 29 projects.

<sup>e</sup> No financial data available for 2 projects.

<sup>f</sup> No financial data available for 4 projects.

<sup>g</sup> No financial data available for 9 projects.

<sup>h</sup> No financial data available for 10 projects.



**B. North–South bilateral cooperation**

<i>Sector</i>	<i>Programmes and projects</i>	<i>Amount (US\$ million)</i>	<i>Cooperating agencies involved</i>
Education <sup>i</sup>	16	6.40	Spain, Japan, Taiwan, Korea, Italy
Health	12	10.75	Spain, Japan, Korea, Spain-FCC, Ireland, United States
Water and sanitation	7	7.56	Japan, Ireland
Government and political system <sup>j</sup>	13	12.01	Germany, Spain-FCC, Sweden, own resources, Taiwan, Spain and Korea
Civil society	1	0.80	United States
Decentralization and territorial development	5	41.24	Germany, Sweden
Human rights and equity	1	0.26	Spain
Security	6	8.69	United States, Spain, Sweden, Japan, Korea, Spain-FCC
Employment and income generation	2	2.91	Germany, Spain-FCC
Housing and urbanization	3	11.55	Korea, Germany, Japan
Agriculture, agroforestry, stockbreeding and fishery <sup>k</sup>	4	4.45	Japan, Korea, Switzerland, United States
Industry, mining and construction	1	1.18	Japan
Tourism	1	0.00	Japan
Environment and climate change	7	17.63	Germany, Spain, Japan, Taiwan, Spain-FCC
<b>Total</b>	<b>79</b>	<b>125.43</b>	

<sup>i</sup> No information available for one project.<sup>j</sup> *Idem.*<sup>k</sup> *Idem.*

### C. South–South bilateral cooperation

<i>Sector</i>	<i>Programmes and projects</i>	<i>Amount (US\$ million)</i>	<i>Cooperating agencies involved</i>
Education	6	n.a.	Colombia, Mexico, Argentina
Health	10	n.a.	Jordan, Mexico
Water and sanitation	5	n.a.	Brazil, Mexico, Argentina
Government and political system	20	n.a.	Israel, Colombia, Mexico, Brazil, Chile, Peru
Civil society	1	n.a.	Argentina
Decentralization and territorial development	5	n.a.	Mexico, Peru
Security	7	n.a.	Mexico, Brazil, Colombia
Employment and income generation	6	n.a.	Colombia, Mexico, Peru
Housing and urbanization	1	n.a.	Mexico
Culture, sport and leisure	9	n.a.	Egypt, Brazil, Argentina, Chile
Energy generation and supply	2	n.a.	Brazil, Mexico
Banking and financial services	3	n.a.	Mexico, Brazil
Agriculture, agroforestry, stockbreeding and fishery	17	n.a.	Israel, Mexico, Brazil, Argentina, Peru
Mining and construction industry	1	n.a.	Peru
Trade and tourism	10	n.a.	Colombia, Jordan, Mexico, Brazil
Environment and climate change	9	n.a.	Egypt, Mexico, Brazil, Argentina, Chile
Prevention and mitigation of disasters	1	n.a.	Israel
<b>Total</b>	<b>113</b>	<b>n.a</b>	

*Source:* Vice-Ministry of Cooperation for Development. Directorate General of Cooperation for Development.

## Annex V

## Minimum wage rates, 2006–2009

Branch of activity and subgroups	Payment unit	2006			2007*			2008**			2009***		
		Previous rate for 2005 (US\$)	Increase (percent) in 2006	New monthly rate for 2006 (US\$)	Increase (percent) in 2007	New monthly rate for 2007 (US\$)	Increase (percent) in 2008	New monthly rate for 2008 (US\$)	New monthly rate for 2006 (US\$)	New monthly rate for 2009 (US\$)			
Agricultural workers	Per month	74.10	10	81.60	5	85.80	5	90.00	8	97.20			
	Per day	2.47		2.76		2.86		3.00		3.24			
Crop gathering													
Coffee	Per arroba	0.54	10	0.590	5	0.624	5	0.656	8	0.708			
	Per month	81.00		89.10		93.60		98.40		106.20			
	Per day	2.70		2.97		3.12		3.28		3.54			
Sugar cane	Per tonne	1.14	10	1.26	5	1.33	5	1.39	8	1.50			
	Per month	68.70		75.60		79.50		83.40		90.00			
	Per day	2.29		2.52		2.65		2.78		3.00			
Cotton	Per pound	0.02	10	0.023	5	0.024	5	0.025	8	0.027			
	Per month	61.80		68.10		71.40		75.00		81.00			
	Per day	2.06		2.27		2.38		2.50		2.70			
Agricultural industry	Seasonal												
Coffee processing	Per month	107.10	10	117.90	5	123.90	5	130.20	8	140.70			
	Per day	3.57		3.93		4.13		4.34		4.69			
Sugar cane processing	Per month	78.30	10	86.10	5	90.30	5	94.80	8	102.30			
	Per day	2.61		2.87		3.01		3.16		3.41			
Cotton processing	Per month	78.30	10	86.10	5	90.30	5	94.80	8	102.30			
	Per day	2.61		2.87		3.01		3.16		3.41			
Trade and services	Per month	158.40	10	174.30	5	183.00	5	192.30	8	207.60			
	Per day	5.28		5.81		6.10		6.41		6.92			



Branch of activity and subgroups	Payment unit	2006			2007*			2008**			2009***		
		Previous rate for 2005 (US\$)	Increase (percent) in 2006	New monthly rate for 2006 (US\$)	Increase (percent) in 2007	New monthly rate for 2007 (US\$)	Increase (percent) in 2008	New monthly rate for 2008 (US\$)	Increase (percent) in 2009	New monthly rate for 2009 (US\$)	Increase (percent) in 2010	New monthly rate for 2010 (US\$)	Increase (percent) in 2011
Industry	Per month	154.80	10	170.40	5	179.10	5	188.10	8	203.10			
	Per day	5.16		5.68		5.97		6.27		6.77			
Maquila textile and manufacture	Per month	151.20	4	157.20	3	162.00	3	167.10	4	173.70			
	Per day	5.04		5.24		5.40		5.57		5.79			

Source: National Minimum Wage Council.

\* This increase came into effect on 15 November 2007. (Executive Decrees Nos. 106, 107, 108 and 109 of 6/11/07; Official Journal No. 207, Tome 377 of 7/11/07). The same decrees introduced a similar increase starting 15 November 2008.

\*\* This increase came into effect on 16 June 2008 instead of 15 November 2008, date brought forward by Executive Decree N° 64 of 30 May 2008, Official Journal N° 100, Tome 379 of the same date.

\*\*\* This increase came into effect on 1 January 2009 (Executive Decrees Nos. 133, 134, 135 y 136 of 19 December 2008. Official Journal N° 241, Tome 381 of 22 December 2008).

## Annex VI

## Office of the Superintendent of Pensions: Pension Scheme (historic series)

Series	Years										
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	June 2010
<b>Members and effective contributors (SAP)</b>											
Members	569 972	736 228	847 805	919 805	992 824	1 074 493	1 166 602	1 279 714	1 437 474	1 579 410	1 987 121
Effective contributors	397 438	469 350	481 238	489 444	472 097	490 708	477 113	504 971	537 152	568 996	564 667
Proportion of contributors	69.7	63.8	56.8	53.2	47.6	45.7	40.9	39.5	37.4	36.0	28.4
<b>Number of active contributors by gender (SAP)</b>											
Male				264 300	254 703	264 831	260 168	277 743	296 997	313 103	311 668
Female				225 144	217 394	225 877	216 945	227 228	240 155	255 893	252 999
<b>Members by gender (SAP)</b>											
Male	340 714	442 115	505 414	536 390	575 528	620 786	669 453	731 537	815 327	885 257	1 084 986
Female	229 258	294 113	342 391	383 415	417 296	453 707	497 149	548 177	622 147	694 153	902 135
<b>Members by type of worker (SAP)</b>											
Employed	557 790	718 467	827 944	895 545	963 639	1 035 358	1 068 981	1 079 844	1 084 239	1 084 083	1 102 228
Self-employed	12 182	17 761	19 861	24 260	29 185	39 135	97 621	199 870	353 235	495 327	884 893
<b>Pensioners (SAP)</b>											
Invalidity	38	202	416	571	785	777	1 009	1 236	1 409	1 568	1 780
Old age	4	92	365	862	2 198	4 874	8 914	10 700	12 339	13 551	15 159
Survivors	1 279	3 222	5 287	7 056	8 791	10 389	12 233	14 101	16 157	17 978	20 919
<b>Total</b>	<b>1 321</b>	<b>3 516</b>	<b>6 068</b>	<b>8 489</b>	<b>11 774</b>	<b>16 040</b>	<b>22 156</b>	<b>26 037</b>	<b>29 905</b>	<b>33 097</b>	<b>37 858</b>
<b>Pensioners (SPP)</b>											
Invalidity	1 849	1 876	1 869	1 803	1 767	1 703	1 555	1 468	1 366	1 315	1 122
Old age	54 336	58 183	61 202	65 796	73 813	76 308	74 523	75 929	76 490	75 981	73 092

Series	Years												
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	June 2010
Survivors	25 731	26 761	26 542	26 287	26 498	27 181	28 250	28 159	28 045	28 138	28 330	28 258	28 091
Total	81 916	86 820	89 613	93 886	102 078	105 192	104 328	105 556	105 901	105 434	104 932	103 693	102 305
Pensioners total (SAP + SPP)													
Invalidity	1 849	1 914	2 071	2 219	2 338	2 488	2 332	2 477	2 602	2 724	2 800	2 874	2 902
Old age	54 336	58 187	61 294	66 161	74 675	78 506	79 397	84 843	87 190	88 320	88 921	88 851	88 251
Survivors	25 731	28 040	29 764	31 574	33 554	35 972	38 639	40 392	42 146	44 295	46 308	48 427	49 010
Total	81 916	88 141	93 129	99 954	110 567	116 966	120 368	127 712	131 938	135 339	138 029	140 152	140 163
Revenue SAP (in US\$)													
Annual	58 042 970	209 876 820	252 667 781	279 712 439	294 695 280	314 018 696	332 531 351	351 944 571	390 005 820	418 037 196	464 231 930	475 720 886	483 997 940
Cumulative	58 042 970	267 919 790	520 587 571	800 300 010	1 094 995 289	1 409 013 985	1 741 545 336	2 093 489 907	2 483 495 726	2 910 490 784	3 374 722 714	3 850 443 600	4 097 324 872
SAP average return - last twelve months													
Nominal		13.04	12.56	9.18	5.27	7.39	7.78	5.78	6.10	6.33	3.14	5.36	4.60
Real		14.38	7.92	7.65	2.41	4.75	2.28	1.46	1.16	1.40	-2.21	5.56	4.42
SAP Pension Fund general balance (thousands US\$)													
Assets	48 917	222 779	498 454	789 850	1 099 954	1 595 413	2 224 477	2 949 122	3 495 302	4 080 201	4 562 496	5 157 412	5 461 853
Liabilities	7 715	12 027	22 156	34 116	30 422	44 051	52 203	67 529	25 528	26 227	27 251	30 280	33 490
Net assets	41 202	210 753	476 298	755 734	1 069 532	1 551 361	2 172 274	2 881 593	3 469 774	4 053 975	4 535 245	5 127 132	5 428 363
Total, liabilities plus net assets	48 917	222 779	498 454	789 850	1 099 954	1 595 413	2 224 477	2 949 122	3 495 096	4 080 201	4 562 496	5 157 412	5 461 853
SAP - Composition of the Revalued Investment Portfolio by Issuer													
Public institutions	34 800 844	137 694 000	343 961 000	619 935 000	898 417 000	1 294 854 000	1 794 031 269	2 346 643 638	2 638 629 600	3 114 254 844	3 474 168 958	3 959 340 560	4 367 732 860
Banks and financial institutions	11 693 880	67 468 000	121 592 000	135 912 000	152 708 000	206 810 000	224 557 330	371 870 677	520 456 337	647 686 204	796 047 293	863 575 113	788 832 321
National companies	720 173	-	5 673 000	7 001 000	5 175 000	5 174 000	6 335 578	9 666 935	9 154 376	27 306 836	35 917 963	31 052 644	31 267 419
Financial development organizations	-	-	-	-	-	50 473 000	89 356 621	124 335 915	137 678 204	140 879 556	140 086 726	139 453 811	139 015 872



Series	Years										
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	June 2010
Foreign assets	-	-	-	-	-	10 101 000	29 136 014	49 575 709	46 185 501	28 030 268	8 387 578
Variable return instruments	8 897	7 917 000	11 004 000	5 138 000	4 982 000	4 983 000	4 980 279	3 627	7 000	9 000	4 587
<b>Total (million US\$)</b>	<b>47</b>	<b>213</b>	<b>482</b>	<b>768</b>	<b>1 061</b>	<b>1 572</b>	<b>2 148</b>	<b>2 902</b>	<b>3 352</b>	<b>3 958</b>	<b>5 335</b>

Source: Quarterly Review of Forecast Statistics, Office of the Superintendent of Pensions.

Notes: 1. The Pensions Savings Scheme began operations on 15 April 1998. 2. Figures for the real and nominal rate of return over the preceding 12 months first became available in June 1999.

## Annex VII

### Investment by the National Aqueducts and Quarries Administration (ANDA), 2009–2014

<i>Source</i>	<i>Number of projects</i>	<i>Total amount</i>	<i>Receiving departments</i>
Peis 2010–2011	56	30.0 million	San Salvador La Paz Chalatenango Cuscatlán San Vicente Cabaña La Libertad Santa Ana La Unión San Miguel Usulután s
Ida 2010	22	7.9 million	San Salvador La Libertad San Vicente Cuscatlán

## Annex VIII

### Distribution of school kits

<i>Department</i>	<i>Number of schools</i>	<i>Number of receiving centres*</i>		
		<i>Uniforms supplied</i>	<i>Pairs of shoes supplied</i>	<i>Kits of school materials</i>
Ahuachapán	275	270	265	272
Santa Ana	453	439	435	448
Sonsonate	318	239	254	318
Chalatenango	390	320	371	390
La Libertad	430	409	409	426
San Salvador	556	334	306	550
Cuscatlán	201	141	101	201
La Paz	292	175	175	289
Cabañas	251	238	238	251
San Vicente	226	117	183	217
Usulután	443	288	244	434
San Miguel	448	112	224	444
Morazán	310	155	217	310
La Unión	372	186	186	372
<b>Total</b>	<b>4 965</b>	<b>3 482</b>	<b>3 598</b>	<b>4 923</b>
<b>Percentage gain</b>	<b>-</b>	<b>70.1</b>	<b>72.5</b>	<b>99.1</b>
<b>Total number of recipient school children</b>	<b>1 353 868</b>	<b>949 374</b>	<b>981 010</b>	<b>1 342 306</b>

Source: Ministry of Education 2009–2010 Activities Report, p. 25

\* For the period from December 2009 to March 2010.